FOCUSING RESPECT ON CREATURES

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ABSTRACT

ELIZABETH FOREMAN: Focusing Respect on Creatures
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One of our important moral intuitions is that we owe basic respect to persons insofar as they are persons; however, when we attempt to ground such an obligation, a particular problem arises. In order to explain why a creature is owed respect, we must identify some feature in virtue of which that respect is owed. As a result, our grounding of the obligation of respect will focus on *features* of creatures rather than the creatures themselves. This also means that the creatures to whom we are obligated lose their claim on us if they lose the feature that qualified them for regard, and that creatures who never possessed the relevant feature (e.g., severely brain-damaged infants) are not objects of respect at all. Given our strong inclination to respect all human beings, such a result is counter-intuitive.

To resolve these difficulties, I offer a formal analysis of respect according to which the objects of respect are the creatures themselves, and not their features. I argue that possession of a certain feature confers value on those creatures that possess it, and that this gives them an irrevocable status as objects of respect. Further, creatures that lack the feature can also be objects of respect in virtue of being of a kind that normally has it. I then argue more substantively that this value-conferring feature is not the sort of rationality Kantians identify, but is instead "being a subject of a life". I argue that our attitude of respect is fundamentally a response to this morally considerable quality, and

that accounts that identify rationality alone as morally considerable are unsatisfactory. This substantive claim brings non-human animals more robustly inside the moral sphere, while the formal analysis helps to bridge the gap between the theoretical foundation of respect and the practice of it, giving support to the intuition that we owe respect to those who are of a kind that normally possesses the obligation-generating feature, even if they lack it.

To my family, for all their love and support

And to the fond memory of my grandparents, Margaret, David, Alma and Joseph

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Chapter One

Introduction

Section 1: Why Worry About Respect?

Imagine that you are presented with a case reminiscent of Terry Schiavo – a young woman is in an irreversible vegetative state, and is being kept alive despite the fact that she is no longer the person that she was (and, some may say, is no longer what we believe "persons" to be). There is a great battle concerning whether or not her loved ones may end her biological life, given that she no longer seems to be alive in the ways that one desires one's loved ones to be. Some of her loved ones wish to keep her alive, insisting that she is "still in there", and others wish to end her life, believing that she is no longer really alive and would not wish to continue in her present state.

Although this sort of case is lousy with complicated legal questions, is tainted by political posturing, and is the stamping ground of ideologues, it does raise some interesting moral questions, and pushes us to re-examine the moral concepts we wield so easily in non-controversial cases. For the purposes of this dissertation, I wish to focus on only one of the questions that this case raises: "Are there ways to treat this woman that display disrespect for her, and if so, what are they?" Where does respect enter this debate, if at all?

It is my contention that our notion of what is "respectful" plays a large role in debates about those who are in permanent vegetative states. For example, the debate over

whether or not we can end this woman's life can be seen as a debate over whether showing proper respect for her (or for her life, or for life in general) involves keeping her on life support. Ideas about what respect involves, and about what *respecting* another person involves, drive a lot of our intuitions and assertions in this area (and in many areas where there are important moral problems), and getting clear on respect would do a great deal for the discussion. We tend to have a slippery grasp on what respect actually is – one can't define it, or give criteria for it, but one most definitely "knows it when one sees it". But that will not do. Respect is an important moral notion, and as such deserves careful analysis.

In this chapter, I will survey a number of cases in which we might think considerations of respect figure, using these cases to highlight questions that arise from even a very basic analysis of respect. In later chapters I will discuss more detailed analyses of respect and offer one of my own. In Chapters Two and Three, I will present some common analyses of respect and discuss some problems with any general strategy for grounding obligations of respect. In Chapters Four and Five I will argue for a new analysis of respect that aims to solve the difficulties with other accounts. Finally, in Chapter Six, I will discuss some problems with this account and propose some solutions.

Section 2: Cases of Respect – Sentient Beings

How might respect function in debates about the case of the woman described above? One might say that one is not respecting the woman's humanity (which, perhaps, means her status as a person) if one blithely ends her life. Life, one might even say, is to be respected at all costs, and to deliberately end life displays a lack of respect for it.

Others might argue that the woman's life is actually already over (at least in all the ways that make life "something to be respected"); to insist on keeping her body alive may, according to some, display a lack of respect for (the relevant sense of) life.

An interesting feature of the case described above is the fact that the woman in the irreversible vegetative state was, at a certain point in her life, an active subject in the world. One can reasonably argue that ending her life now exhibits a lack of consideration for the person that she *used to be*; by the same token, one can reasonably argue that *refusing* to end her life now exhibits a lack of consideration for the person that she used to be. The fact that this woman has a "former self" that we can invoke in discussions of her case complicates the situation; there are many cases where one might invoke the notion of respect in which there is no such "former self" to which we can appeal.

Consider, then, a different sort of case – a couple has a child that is born with severe brain-damage (so severe that the child will most likely never be a subject in the world), and the couple is considering whether or not to allow the child to die. One could argue that allowing the child to die exhibits an improper attitude towards human life (for example, one might, as discussed above, believe that life should be preserved at all costs, and to do otherwise exhibits a lack of consideration for life). However, those in favor of allowing the child to die have no "former self" to appeal to in their argument; they may argue, however, that the opponent's argument involves an *unreasonable* application of the term "respect" – such people might argue that a respect for life does not extend to those creatures (or forms of life) that have so little of what we consider "deserving of respect" in the kinds of life that we *do* respect (sentience, subjectivity, etc.). Or, alternatively, they may argue that respect can properly be shown to certain creatures by

not allowing them to live in diminished states (either physical, mental, etc.) I am not taking a stance on this question – however, these are several ways in which the notion of respect can figure in the debate about this child.

Both of these cases highlight how respect figures in questions about the ending of a human life; interestingly, however, the disagreement in both of these cases is not about what *respect is*. The disagreement seems to be about how respect is best shown, or about its proper objects, but the general sense seems to be that "respect" means a "proper response to something that deserves moral consideration", and it seems clear that human beings (or human life) are at least worthy of this consideration.

However, we can also use the term "respect" when considering other questions, even ones in which human beings are not the objects of the debate. Consider cases of severe animal cruelty – for example, consider the findings of the PETA undercover investigation of Kentucky Fried Chicken (findings made public in 2004). An undercover PETA investigator employed at a KFC processing plant witnessed extreme acts of cruelty towards chickens (acts such as "chicken hurling" contests in which numerous live chickens were thrown against the wall as a game). These findings disturbed people (even those unsympathetic to PETA's ultimate goals), and there was public outrage that chickens would be treated in such a manner. It is likely that the suffering endured by the chickens played an important role in the public outrage, but one could argue that even had the workers anesthetized the chickens, hurling them against a wall for sport just seems to be a *disrespectful thing to do*. One might argue that hurling a living creature (human or otherwise) against a wall for pure sport just is an inappropriate way to treat such a thing – to do so exhibits a lack of respect for the fact that this is a living, sentient

being.[1] Alternatively, one might argue that although this may be a bad use of time (and of chickens,) it is a misapplication of the term to think that treating chickens in this way disrespects them. Again, the disagreement here does not seem to be about what *respect is* – the disagreement seems to be about how respect is best shown, or about its proper objects. The general sense still seems to be that "respect" means a "proper response to something that deserves moral consideration". The disagreement might be about whether chickens indeed qualify for respect, or about whether some acts that we would count as "disrespectful" when the objects are human beings just aren't disrespectful when the objects are chickens. But the general sense seems still to hold.

Section 3: Cases of Respect – Non-Sentient Beings

There are two features of the cases described in the last section that might not be essential to a case where we might want to invoke the notion of respect. Namely, the objects involved are living, sentient creatures that can be harmed. But these two features might not be essential to cases in which we invoke respect. Consider the question of whether or not we should allow loggers to decimate huge stands of trees (redwoods, for example). This issue has many different ethical issues lurking behind it, partly due to the fact that redwoods are only a part of a larger ecosystem that can include various sorts of wildlife. So some of the questions that can be raised here concern living, sentient creatures: when is it permissible to kill wildlife in order to provide for human needs? Ought the wildlife to figure prominently in our decisions concerning logging restrictions? Thus, wildlife can be an important factor in this debate, but they need not be. One can

[1]How, and to what degree, the fact that such a being is *capable of pain* figures into this way of thinking is an interesting question, and one that I will tackle later.

raise questions about devastating logging practices that do not involve concern for wildlife. One such question, the one that will concern us here, is the question of whether or not there is something wrong with being willing to destroy a vast natural environment (a stand of redwoods) when we could just as well *not* destroy the landscape in order to get what we need (we could practice conservationist logging practices, or use different trees, etc.). One could argue that destroying a stand of redwoods exhibits a lack of consideration for something that *deserves* consideration in our deliberations (for example, it exhibits a lack of consideration for the beauty of nature, or the interconnectedness of life, or the ecosystem in general, etc.). One could argue, alternatively, that redwoods (or nature) are not the sorts of things that deserve consideration, that they are not proper objects of respect. Or, one could argue that destroying a stand of redwoods is *not* an act of disrespect; perhaps, what "respecting nature" involves does not require us not to destroy natural environments.

However, again, it seems that the disagreement here does not seem to be about what *respect is* – the disagreement seems to be about how respect is best shown, or about its proper objects. The general sense still seems to be that "respect" means a "proper response to something that deserves consideration" (although, one might argue, it may not deserve *moral* consideration, since some may argue that the scope of the moral may not extend to nature). The disagreement might be about whether trees indeed qualify as deserving certain consideration (i.e., one might wonder if there are proper or improper responses to them, and so may want to abandon the term "respect" altogether in this case). Or, the disagreement might be about whether some acts that we would count as "disrespectful" when the objects are human beings just aren't disrespectful when the

objects are trees (if it has been granted that certain kinds of respect, or consideration, can be applied to trees). But the general sense *does* seem still to hold (although, one may no longer wish to include "moral" as a description of the consideration that is required).

Along these same lines, we should consider the ways in which we treat inanimate objects, and our intuitions about when respect figures into our views about those actions. Consider the case of a couple that purchases Leonardo DaVinci's "Mona Lisa", and displays it above the fireplace in their home. They enjoy showing the painting off at parties, but they also have very little care for the upkeep of the painting, and make no effort to shield it from the heat given off by their fireplace. What's more, they regularly bring the painting down and allow their children to draw on it – after all, it is simply an object for their use. Many people would be horrified to hear that a masterpiece like the "Mona Lisa" was being used in such a fashion, and the way their horror would most likely be expressed is by claiming that that is "no way to treat the 'Mona Lisa'". Others (although I doubt there would be many of them) might argue that the painting is, after all, just an object, and is not hurt by this treatment in any way – if the new owners best enjoy the painting in these ways, then there is no reason to be upset about it. Paintings are just not the sorts of things that deserve any sort of consideration, and because it is just a "thing", there are really no restrictions (or requirements) on how to treat it.[2] Again, it seems that the disagreement here does not seem to be about what *respect is* – the disagreement seems to be about how respect is best shown, or about its proper objects.

[2]There are a lot of issues here – for instance, one might say that there is nothing strictly immoral going on in this treatment of the painting. Rather, one might argue that one has (through purchase) agreed to sustain an important human artifact, so the new owners are violating the trust of the auctioneers, etc. Or, one might argue that the "Mona Lisa", contrary to the beliefs of the owners, is not a "mere thing"; it has a different status because of what it means to people, etc. However, I think it is at least reasonable to assume that some people will object to this treatment *on the grounds* that this painting should not be treated in this way, irrespective of the fact that others *want* it to be preserved.

Or, consider the case of a man who owns a very nice car – it is a well-made car that runs very well. However, the man does not care much for cars, and it is by sheer fluke that this car has come to him (it was left to him by a great-uncle when he passed away; to avoid complications, let us suppose further that his great-uncle had not cared all that much for the car either – he had cared enough to keep it and to keep it running, but he did not feel such an attachment to it that he would roll over in his grave should it not survive). To the grand-nephew, the car is just a thing, something to get from one place to another, and he take no steps to keep it running – what's more, he lets it rust and deteriorate in his backyard. Some might argue that this is no way to treat a car – that even if the man is right, and it is just a thing to be used by him (which seems a more reasonable claim to make about the car than about the "Mona Lisa"), one should still care for the car. It is just not right to let it rust among the shrubs in his backyard, and he is just not *acting the way one should towards the car*. Others might argue, on the other hand, that the car, being just a thing for the man's use, cannot be treated well or ill – it just isn't the sort of thing that requires certain sorts of treatment. Here, again, one might cast the debate in terms of respect – the man is not respecting his car if he lets it rust and deteriorate. The disagreement between the two, again, is about whether there is anything wrong going on here that the term "respect" can encompass.

Section 4: How Much Does Harm Matter?

It seems, then, that respect can be invoked (although maybe controversially so) in cases where the objects involved are not living sentient beings that can be harmed. However, even if we were to limit the objects of respect to sentient beings that *can* be

harmed, it does not seem that the *occurrence* of harm is essential to there being disrespect. There are cases (paradigm cases) of disrespect that involve no harm to the object (depending on your view of whether or not death is a harm, the two cases of human beings discussed at the outset may fit in this category). One last case that I would like to consider is a case that illustrates this -- it is a case in which we consider respect to be properly invoked in our dealings with a living sentient being in which *harm* is not a factor. Consider the case of an unbalanced romantic relationship in which one partner is deceiving the other – perhaps, he is secretly dating several other women, and is not as invested in the relationship as he seems to be to his lover. Time and time again, the beloved is reminded that his partner is clearly more emotionally invested in the relationship than he is, but he enjoys the benefits of the relationship too much to give it up. He is using his partner for companionship and comfort, and it is clear to everyone that the relationship is unbalanced and deceptive. Even though one might argue that such a relationship is in some way hurtful to the one who is being deceived and used, it is at least possible that, given that the lover does not know that her beloved is deceiving and using her, she is actually *happier* this way than she would be if the relationship were to end. Perhaps it would be more painful for her to live without him than it would be to give up the current relationship; we can suppose that this situation, despite the deception and disregard of the beloved, makes the lover happier than any of the alternatives. Despite the fact that we are unable to identify an instance of harm, there still seems to be something wrong in this case – we still think that, despite her happiness, the woman is being treated in a way that is wrong, unseemly, disturbing, etc. Our discomfort with the case seems to arise from the fact that deceiving and using one's romantic partner displays

a lack of *respect*; despite the way the lover may feel about the situation, despite the calculations we may do concerning the overall happiness of all involved, we may still think that this is no way to treat someone that one is romantically involved with. One might argue then, that this is behavior that exhibits a lack of respect for one's partner, because the beloved fails to treat his lover in ways that are appropriate, that give due consideration to the fact that she is a person who trusts and loves him. Again, the same general sense of respect seems to hold in this case, a case where it seems that no one is really harmed by the situation. The general sense still seems to be that "respect" means a "proper response to something that deserves consideration" (and in this case, most would probably agree that the consideration in question is "moral" consideration).

Section 5: A Preliminary Analysis of Respect and How it Applies to the Above Cases

The common thread in all of these cases is that respect is thought of as a "proper response to something that deserves consideration (moral or not)". In recent literature, Joseph Raz has captured this insight by conceiving of respect as an "appropriate response to value" – Raz's analysis helps to explain the numerous sorts of cases of respect that we have been considering here, and I will discuss a few of these cases in the light of Raz's analysis. In the next chapter I will discuss Raz's view in more detail, but here I wish to simply present the cases with his general analysis in mind.

Raz's invocation of value is not an insignificant alteration to the general sense of the term outlined above (i.e., that respect is a "proper response to something that deserves consideration"); that something deserves consideration (moral or otherwise) does seem to be the reason that we think it requires certain sorts of responses – however, that

something deserves certain kinds of consideration is merely an explanation for why we think a particular thing should be respected. It does not yet tell us what makes something worthy of this sort of consideration – what counts as "worthy of (certain kinds) of consideration"? As Raz's insight shows, the kind of consideration involved in respecting someone might reasonably be thought of as the recognition that she is of *value* (or that her life has value, etc.). If something is of value, then there is something about it that sets it apart as something towards which we need to be sensitive. And what constitutes being insensitive (morally or otherwise) might be, perhaps, thought of as: "not acting in ways that recognize a thing's value". But again, this seems somewhat unsatisfying; what are the ways of acting that recognize a thing's value, and why are *they* called for and not others? Why is some behavior an appropriate response to value and other behavior inappropriate?

This, then, seems to be the sticking point in the case outlined above – what sorts of behavior are appropriate responses to the value of the objects in question? Is all value included in this definition of respect, or are only certain kinds of value included? Different kinds of value may call for different sorts of responses – a painting has value, and certain ways of behaving towards it may be thought of as "disrespectful". However, is this really the same thing as behaving in certain ways towards a human being, and thus failing to respect her? If it is the same, how is it the same? If not, what are the important differences?

To return to our first case above, one might argue that the value that is "to be respected" (when we say we need to respect the woman) is the value of her life – and one might further argue that the fact that one's body is alive is the bare minimum for such

respect to be due; or, one might argue that the value that is "to be respected" (when we say we need to respect the woman) is, indeed, the value of her life – but "life" is to be understood as the value of her experiences (present and future). One who argues in this way might argue that the woman's present experiences are valuable enough to meet requirements for respect; or, one might argue that they are not, and that treating them as if they are makes a mockery of what is really valuable about life. One might even argue that treating a body in a vegetative state as if it were as morally considerable as a body with valuable conscious experience is disrespectful (it is, one might argue, a *wildly inappropriate* response to value – or to the lack of it). There are many ways that the requirement of respect can be understood in this case – there are many different possible objects of the respect, etc. However, it seems that this idea that there are appropriate and inappropriate ways to react to the object (no matter how you define it) seems to be at play.

If we take Raz's view, it seems possible to explain and understand the other cases discussed above. In the case of the chickens, one might say similar things to the case of the woman in the irreversible vegetative state -- one might say that that chickens (or that chicken life) has value, and that there are appropriate and inappropriate ways to respond to that value. In the case of the redwood trees, one might think that the trees (or natural landscapes) have value, and that there are appropriate or inappropriate ways to respond to that value – despite the fact that the thing of value may not feel, or think, etc. It may still have value – although maybe a different kind – and so, because of this, there may still be appropriate and inappropriate ways to respond to it. The same can be said of the painting and the car -- these things can be thought of as having a sort of value (non-instrumental

value in the case of the painting and instrumental value in the case of the car). Again, a striking feature of this account is that it is not the case that there are features that (if you have them) you are owed respect; rather, there are types of value (this value may derive from certain features, or it may not), and there are going to be certain responses that are appropriate or inappropriate to that value.

Taking Raz's view, the question in these cases becomes: what are appropriate responses to value, and what sorts of value count as "worthy of respect"? However, this is a sticky question, and seems to be the main source of disagreement in the cases described above. The first step in settling these questions will be (I think) to be more precise about the formal definition of respect – what does it mean to say that respect is an appropriate response to value?

Let us think again of the woman in the irreversible vegetative state – there are debates about whether we can end her life, but these are debates about how a "respect for life" is supposed to play out. But we agree that there are some things we simply should not do to her, no matter the outcome of this debate. We should not rape her, we should not make her face up like a clown and laugh at her, and we should not deliberately (and without reason) break her limbs. There seem to be certain ways of behaving towards her that are just not appropriate, despite the fact that she will never know that we have behaved towards her in such ways. But why is this? One answer might be that these are things she would not have wanted done to her (and which would have constituted bad behavior towards her) when she *was* aware – these are inappropriate responses to the woman that she was, and because of that, these prohibitions in some way still apply. But how can that be? If it is inappropriate to act towards her in such ways now *because* it

was an inappropriate response to some value in her when she was aware to behave towards her in such ways, there must be some value still left to require the same responses as before. But what value would that be? One answer is that that there is some basic value that remains (dignity, perhaps), but it seems hard to assert that when the woman is not aware. Perhaps some such value can be located – but there is another avenue open.

Section 6: A Preliminary Sketch of a Modified View

Perhaps what "an appropriate response to value" amounts to is seeing things that have the requisite value (or that have features that display the requisite value) as having a special kind of status. And once one achieves this status, one has it for good, no matter what happens to her. Those who have this status are among the things to be respected, and even if they lose the requisite value (or lose the features that have the requisite value – rationality, dignity, etc.), they are in a class (those with this status) that has been set. This could explain why there are limits and requirements on our treatment of those in irreversible comas or vegetative states – they may no longer have the value (or the features that are of value[3]) that put them in that class, but they are in it nonetheless. I will argue for this view in Chapter Four.

Of course, the question of what *sort* of behavior is appropriate (given that someone is a member of the class of things that must be respected) may still be open. And it may, in fact, depend on the situation. The content of respect seems to be that it sets requirements and limits on how to behave towards *those who are in that category*.

[3]Perhaps part of the difficulty here might be that there are *many* features that we think of as the features that imbue a creature with value; that the "value of a human being" (if that phrase is intelligible) might be a shorthand for the idea that there are many features of a human being that imbue it with value.

However, the substantive "do's and don'ts" may be hard to list definitively, and I will largely leave that question aside in this dissertation. The insight here is simply meant to be that respect is seeing certain limits and requirements on our behavior towards members of a certain class or category. What's more, it seems that the proper objects of respect are the creatures in this class (or that have features that imbue them with value); it is not the value, or the features that impart value, but the creatures themselves that are objects of respect, because respect is fundamentally a response to members of a category that are themselves valuable. It is a response to the status of those that have value in a certain way.

What sorts of behavior does respect call for, then? As previously stated, it seems that an answer to this question will depend on the sorts of value for which appropriate responses are called. An interesting implication of this is that either (1) there are various different kinds of respect, or (2) we have various different classes that all have the status that respect recognizes, or (3) we merely have a range of appropriate responses to a class that is diverse. In this dissertation, I will argue for both (1) and (3). I will argue that respect is recognition of a very basic kind of value -- being the subject of a life. Having this quality is what gives one status, and so there will be very many different kinds of creatures that are objects of respect. Therefore, I will argue that (3) is the best way to understand the various different behavioral requirements of respect – they are all responses to the same value, but realized in many different ways. In this dissertation, I will confine my discussion to an expansion of the notion of "basic respect for persons", or a fundamental kind of regard that is important in morality. However, I will argue that there may be other kinds of respect, but that they are *not* merely species of the respect we

owe to persons. In the last chapter, I will argue that uses of the term respect that apply to inanimate objects (respect for the "Mona Lisa", respect for a nice car, respect for redwoods), are fundamentally different uses of the term "respect", and are not to be understood on the model for which I will argue.

The bulk of this dissertation will be an attempt to give an analysis of respect that isolates this "fundamentally moral respect" from the other kinds, and that focuses attention on this more "moral" kind of respect. However, before I can attempt that task (drawing on Raz and some basic Kantian notions), I would like to discuss some influential views about what respect is, about how to conceive of it, and about the role it plays in morality. In so doing, I hope to highlight some important and interesting distinctions and contributions that others have made, while also making it clear what sorts of problems are going to arise in any general strategy to analyze respect and to explain how respect obligations arise (these are all problems I will try to solve in this dissertation). Let us begin with some contemporary analyses of respect.

CHAPTER TWO

Contemporary Analyses of Respect and Their Problems

In this chapter, we will discuss some important analyses of respect, and identify some of the problems that these analyses raise. The discussion in this chapter (and the next) will clarify why an alternative analysis of respect is needed, as well as highlighting/identifying the sorts of problems that my analysis will attempt to solve. We will begin, in Part I of this chapter, with a brief discussion of consequentialist/utilitarian analyses of respect. My own analysis will bear little similarity to consequentialist accounts, and the discussion at the end of this section will explain why I do not believe such accounts to be promising (although I will not argue extensively for rejecting them). In Part II, we will discuss Stephen Darwall's "Two Kinds of Respect", a highly influential clarification of a Kantian-style analysis of respect. After identifying some problems with this account (which are largely problems concerning the scope and objects of respect), we will move on in Section III to a discussion of Joseph Raz's Kant-inspired analysis of respect. Although I agree with much of his analysis, it raises some particular problems (ones that are parallel to the problems in Darwall's account) which need to be addressed. A discussion of these problems will lead us to a discussion of Kant's theory itself (which offers a solution to the problems of scope and object that are raised in Darwall and Raz's accounts) which will be addressed in the next chapter.

Section 1: A Consequentialist View

In this section, we will discuss generally consequentialist – as well as specifically utilitarian – accounts of respect. This discussion will highlight both the ways in which such accounts differ from deontological accounts, and the reasons why they tend to offer an unsatisfying grounding for respect as a fundamental moral attitude.

The discussion of deontological and consequentialist attitudes to value in Philip Pettit's "Consequentialism and Respect for Persons"[4] is particularly helpful in clarifying the fundamental difference between deontologists and consequentialists on this point. According to Pettit, deontologists and consequentialists respond to value in different ways: consequentialists respond to value by attempting to promote it, and deontologists respond to value by *honoring* it. According to this distinction, respect for persons can be seen as either: (1) a way to promote some value (according to Pettit, a widespread practice of respect for persons makes people feel more interpersonally secure, and thus respect-for-persons can be endorsed by consequentialists as a way to promote interpersonal security), or (2) a way to honor some value (presumably, some value that the object of respect possesses). In his article, Pettit is responding to Stanley Benn's critique of consequentialism, and much of the article is an attempt to show that consequentialists can, indeed, endorse respect-for-persons without explicit consideration of the consequences of doing so. Further, Pettit is concerned to show that consequentialists can act on person-centered reasons just as much as value-centered reasons, despite the fact that their theory of the right tends to cast reasons as value-centered.

Pettit claims that consequentialists generally defend two propositions:

[4]Philip Pettit, "Consequentialism and Respect for Persons", *Ethics* 100 (1989), pp. 116-126.

1) Every prognosis for an option, every way the world may be as the result of a choice of an option, has a single value, a value that is determined by the valuable properties realized there: in particular, determined by its universal properties, such as how far it is a happy world, a world in which liberty is respected, a world where nature thrives, and so on.

2) Every option, every possibility which an agent can realize or not, has its value fixed by the values of its prognoses: its value is a function of the values associated with the different ways it may lead the world to be.

According to Pettit, these two propositions are the fundamental parts of a consequentialist position, and they make explicit the way in which a consequentialist views value: there are universal properties which have a certain value, and every state of affairs has a definite value that is a function of the realization of these valuable properties. Thus, every choice, every option with which we are faced, has a definite value determined by the values that it promotes, and correct behavior is determined by considerations of the prognosis for value-promotion. Consequentialists attempt to bring about the best state of affairs, where "best" is determined by the values that are realized/promoted through one's actions. On such an account, we can understand respect as being a way to promote certain values – it is important to respect people, because doing so is the best option (as described by (2)) for realizing some values described in (1).

A non-consequentialist can reject consequentialism in one of two ways, according to Pettit. One way is to reject proposition (1) – the non-consequentialist can claim that the idea of value invoked in (1) makes no sense, and so the idea of "promoting value" that it implies makes no sense. On this sort of approach, the idea is that while there may be loyal options, or respectful options, etc., there is no universal value of loyalty, or respect, and it makes no sense to try to "promote" it. If this is true, then while you can honor loyalty, respect, etc., as valuable ways to behave/valuable properties, etc., they are not *universal values*, the promotion of which one can add up like an abstract score.

On the other hand, a non-consequentialist can grant proposition (1), and claim that it makes sense to promote values, but deny proposition (2), and claim that the best option is not necessarily determined by the value of its prognosis. It seems as if the non-consequentialist, on Pettit's view, can either disagree with the consequentialist about how she structures her idea of the good (as in the first option) or about how she views the "right" (as in the second option). Pettit characterizes Benn's position as a form of the second way of disagreeing with the consequentualist, and that is why he devotes much of the article to showing that a consequentialist can endorse a certain behavior without explicitly invoking the value of the prognosis. That is, she can endorse respect-for-persons without having to say that this respect is "conditional respect", i.e., respect only insofar as the prognosis is good. That is, she can endorse it as correct behavior without seeing it as correct behavior-to-produce-an-outcome. (It seems that this sort of respect, grounded as it is in consequences, will end up being conditional respect anyway, whether it is explicitly acknowledged as such. I will address this later.)

Section 2: Respect as Promoting, Rather than Honoring

One of the most useful distinctions that Pettit employs in this article is the distinction between promoting value on the one hand, and honoring it on the other. On versions of the Kantian view that we will discuss in detail later, respect is an appropriate response to value, and respect, by the very definition of *what it is* on a deontologist analysis, is an attitude that naturally falls in the "honoring" category. However, as Pettit points out, the consequentialist also sees respect, in some way, as an appropriate response to value – she merely sees it as a response that *promotes* the sort of value that she is interested in promoting, rather than honoring it. That is, things are better on the whole (more value is promoted) if respect is an attitude that we take to be important.

However, it seems that the notion of "respect" loses much of its grounding if one tries to give a consequentialist account of *why it's important*. One may argue, as Pettit does, that respect is good for the state of affairs of interpersonal security that it promotes. That is, having limits on what ones does to another is good in that it makes people more secure, etc. But it seems that one can only make these sorts of claims if one already has a robust notion of respect at hand – a notion of respect as a way to honor, or register, a feature that requires that those limits be placed. It seems as if to even get your endorsement of respect going, you need to have a precedent notion of respect as *honoring*.

Thus, it seems that respect is a unique sort of attitude – it is a sort of paradigmatic non-consequentialist response to things of value (which is not surprising, given its prominence in deontological theories), but it is an attitude that consequentialists also want to be able to endorse. As Pettit says, consequentialists, as much as deontologists,

can endorse, or promote, acting on the sort of person-centered reasons of which respect is a paradigm. They do so in a different way, though – they see respect as a different sort of response. Consequentialists, according to Pettit, do not see respect as an *honoring* response (as something that is required of the *agent*, irrespective of prognosis), but as a *promoting* one. It promotes certain values (like interpersonal security), but does so in a person-centered way (it is required of the agent because it *does* result in the best prognosis, but the agent is respectful for reasons that do not countenance that fact – i.e., for person-centered, and not value-centered, reasons).

The problem, here, though, seems to be that when we show that the consequentialist can act for person-centered reasons that still, ultimately, aim at promoting value, the nature of the attitude of respect changes. When explaining why respect is important, the consequentialist needs either to show that *the attitude or behaviors involved* are valuable things to be promoted (which it does not seem as if a consequentialist wants to do – especially not a utilitarian), or to show that it is an attitude that promotes some other value (as Pettit has claimed). But the problem here is that if respect is an attitude that promotes some other value, then if that other value is not best promoted by the behavior normally involved in respect, then respect might no longer be owed. If respect is not owed because there is something about the creature towards whom it is owed that grounds it (but is grounded instead in positive prognoses), then its being owed is contingent on facts about the situation that are not facts about the creature itself. But it seems that this is not what we mean by respect. Respect is meant to be directed towards creatures because of facts about them, but if behaving in such ways is ultimately contingent on other facts (such as the general prognosis/value of acting in such

ways), then respect is no longer ultimately about the creature. Respect, on such a view, is no longer about limiting behavior towards that creature -- rather, it is about the state of affairs that certain behavior will bring about, and respecting that creature will no longer be important if the consequences of doing so are not optimal.

Of course, if one is a consequentialist, this problem will probably not seem very compelling. I am not meaning to argue that the consequentialist is wrong simply because a deontological account of respect is correct. However, this section is an attempt to explain why, as an attitude and as an obligation, respect intuitively needs to be grounded in a non-consequentialist way if it is to be the sort of important moral notion I take it to be. However, one might argue that I am just wrong that respect is a fundamental moral notion that centers on creatures; then one can simply reject the claim that as such it is a paradigmatically non-consequentialist attitude. Arguing for this more fully is beyond the scope of this dissertation (though I will touch on this theme throughout the dissertation). I will leave this discussion, then, and focus the rest of my arguments on non-consequentialist accounts of respect.

Section 3: Two Kinds of Respect

In his seminal 1977 article, "Two Kinds of Respect"[5], Stephen Darwall distinguishes two different attitudes referred to by the term "respect"; according to Darwall, these attitudes, while sharing certain features and having certain connections, are two very different attitudes. The first kind of respect he identifies is "recognition respect" – this is most closely tied to what we might think of as "basic respect for persons", and it amounts to a disposition to weigh certain facts (about objects or

[5]Stephen Darwall, "Two Kinds of Respect," *Ethics* 88 (1977), pp. 36-49.

situations) appropriately in one's deliberations. It is this kind of respect that is at play when we say that we must respect a person's dignity, or that we must show proper respect to the president's office (this will be discussed in detail later). The second kind of respect that Darwall identifies is "appraisal respect". As opposed to recognition respect, appraisal respect's objects are "*persons or features* which are held to manifest their excellences as persons or as engaged in some specific pursuit"[6]; appraisal respect involves having an attitude of *positive appraisal* of someone, or of some feature of that person (it will later be argued that these features must be character-related to be the proper objects of appraisal respect). It is this kind of respect that is at play when we say that we respect someone as a good tennis player, or that we respect someone's artistic abilities.

"Recognition respect" is the kind of respect that is most important for the purposes of this dissertation. Although "appraisal respect" is an important kind of respect, it is just not the kind of respect that is at play in the various cases we discussed in the first chapter, and it is not the kind that is ultimately important for morality (as will be clear later). The reason for this is ultimately because it is not the kind of respect that is owed to others, and as such is not a moral obligation. So we will focus most our critical attention on "recognition respect", with a brief summary of "appraisal respect" at the end of the discussion of Darwall's view.

Section 4: Recognition Respect

According to Darwall, recognition respect can have all sorts of objects, but it essentially involves a disposition to weigh some *feature* of the object respected

[6] *Ibid*, p. 38.

appropriately in one's deliberations, and to then act accordingly (i.e., to act in a way that recognizes this fact). Says Darwall,

> There is a kind of respect which can have any number of different sorts of things as its objects and which consists, most generally, in a disposition to weigh appropriately in one's deliberations some feature of the thing in question and to act accordingly…Since this kind of respect consists in giving appropriate consideration or recognition to some feature of its object in deliberating about what to do, I shall call it *recognition respect*.[7]

According to Darwall, this general attitude is very similar to a Kantian-like notion of respect for persons. When Kant speaks of respect for persons, he means (or is generally taken to mean) that a person's rational nature is weighed (in deliberation) as a limiting factor on what one can do to her (and, on the Kantian picture, as a feature that *gives rise to various positive duties* to her as well). On such a picture, what it means to "respect someone as an end" is just to take her rational nature as a moderator of (or guide for) morally appropriate behavior. Recognition respect, according to Darwall, is a more general case of this kind of Kantian respect-for-persons – recognition respect is an attitude that just is the disposition to act in certain ways towards an object in virtue of the fact that that object has certain salient features.

Recognition respect -- as a more general case of Kantian style respect-for-persons -- can be shown towards others not only insofar as they are people, but also insofar as they play various *roles.* For example, the fact that my mother is my mother, the fact that she gave me life and raised me, is a feature of her that has a certain weight in my deliberations about actions concerning her. Thus, to have recognition respect for my mother can either be (1) basic respect for her as a person, or (2) recognition respect for her *as my mother*. The fact that my mother has certain salient features means that I have

[7] *Ibid*, p. 38.

to take those features into account when I am contemplating actions that involve her. Recognition respect, then, is primarily respect for a certain *status that objects have* -- it is the recognition of certain facts about objects that give them a certain status, whether that status be one's position as a rational creature, as a mother, as a teacher, etc.

According to Darwall, many things can be the objects of recognition respect – people, laws, feelings, etc. can all be the objects of recognition respect. Anything that has some feature, or fact, about it that calls for consideration in deliberation is a proper object of recognition respect; anything can be the object of recognition respect if there is some fact about it that calls for certain sorts of limits or requirements to be placed on actions concerning it. Darwall says that recognition respect "can have any number of different sorts of things as its objects"[8]; however, this is somewhat misleading, because Darwall later makes his discussion of the objects of recognition respect more precise by saying,

> Strictly speaking, the object of recognition respect is a *fact* [my emphasis]. And recognition respect for that fact consists in giving it the proper weight in deliberation. Thus to have recognition respect for persons is to give proper weight to the fact that they are persons. One can have recognition respect for someone's feelings, for the law, for the judge (in a legal proceeding), for nature, and so on. In each case such respect consists in giving the appropriate recognition to a fact in one's deliberations about how to act.[9]

Here, Darwall more precisely identifies the object of recognition respect – strictly speaking, the *object* of that respect is a *fact* about the thing towards which one shows respect. Although one speaks of having respect for persons, respect for the law, etc., the actual object of that respect is a certain *fact* about persons, laws, etc. that calls for weight

[8] *Ibid*, p. 38.

[9] *Ibid*, pp. 39-40.

to be given it in one's deliberations; the strictest way in which the phrase "I have respect for *X*" is to be understood is that one considers, or weighs, certain *facts* about *X* appropriately in one's deliberations concerning it. Thus, saying that one has "respect for something" appears to be merely shorthand for saying that one appropriately weighs certain *facts about it* when one deliberates. I will argue later that this claim is problematic, but I wish first to address a more general problem that this account raises.

As it has been thus far described, recognition respect has a broad application – one can have respect for persons qua persons, for laws, for another's feelings, for one's mother, etc. However, recognition respect is an important moral concept/attitude because it can be conceived of in a narrower sense – it can be conceived of as an essentially *moral attitude*. According to Darwall,

> …some fact or feature is an appropriate object of respect if inappropriate consideration or weighing of that fact or feature would result in behavior that is morally wrong. To respect something is thus to regard it as requiring restrictions on the moral acceptability of actions connected with it. And crucially, it is to regard such a restriction as not incidental, but as arising because of the feature or fact itself. One is not free, from a moral point of view, to act as one pleases in matters which concern something which is an appropriate object of moral recognition respect.[10]

Thus, according to Darwall, recognition respect can be conceived of as essentially moral if the behavior that is required, when one gives the salient features proper weight in one's deliberations, is somehow *morally required*. Recognition respect is a moral attitude insofar as the features of an object which one is "giving proper weight in one's deliberations" give rise to restrictions on the moral acceptability of actions concerning that object. Thus, recognition respect for a person qua person gives rise to requirements and restrictions on our actions in virtue of those features that are essential to personhood

[10] *Ibid*, p. 40.

(i.e., those features that are, strictly speaking, the object of respect) – for example (to follow Kant) one is required to always treat persons as ends-in-themselves because the essential features of personhood (rational nature and all that is involved in it) call for such action.

Recognition respect, then, seems largely to be characterized by the fact that it restricts our actions (or requires certain actions of us). If we understand respect in this way, then it becomes clearer in what ways recognition respect as a moral attitude is a narrower conception of a broader term – for example, I can have recognition respect for the power of tornadoes, because I can see some feature of them (their destructive power) as limiting or restricting a class of actions connected with them – i.e., the class of *prudent* actions of how to behave in a tornado (for example, I shouldn't go outside while one is raging, I shouldn't chase one, etc.). This is a case of recognition respect because by deciding not to go outside during a tornado, one is appropriately considering a feature of tornados (i.e., their destructive power) in one's deliberations, and acting accordingly. However, the behavior prescribed by that feature is not moral in character – i.e., to fail to act in that way is not a *moral failure*. Rather, the behavior prescribed by that feature is *prudential* – to fail to act in that way is not prudent. Thus, it is clear that recognition respect does, essentially, involve requirements/restrictions on our behavior; however, recognition respect is not *always* a moral attitude; it becomes so only when the behavior prescribed is morally required in some way.

However, in distinguishing moral from non-moral recognition respect, Darwall's account introduces a problem. How are we to figure out how to distinguish those cases of recognition respect that are morally required from those that are merely prudential?

What is the difference that makes a difference, and what is the justification for drawing the lines where we do? In the attempt to make our various uses of the word "respect" consistent, Darwall introduces the problem of casting respect (formally speaking) as just "good practical reasoning" which, in some cases, is morally required. Of course, with Kantian commitments, this may not seem all that troubling. But the moral/non-moral distinction within what is primarily considered a moral concept (*recognition*, rather than *appraisal*[11], respect) introduces a puzzle.

Section 5: A Problem – Respect as "Good Practical Reasoning"

To get clearer on the nature of this puzzle, let's look more closely at some of the things that Darwall says about recognition respect. Darwall notes that recognition respect involves *regard* – i.e., that it involves regarding a certain fact about some object as having an *appropriate place* in deliberation. In line with this way of analyzing respect, it is possible for one to *act* as if one has this regard – i.e., to "be respectful" -- without actually having respect (i.e., for other motives). Says Darwall,

> For example, a person participating in a legal proceeding who in fact has no respect for the judge (i.e., for the position he occupies) may take great pains to be respectful in order to avoid a citation for contempt. Such a person will restrict his behavior toward the judge in ways appropriate to the role that he plays. But his reason for so doing is not that the mere fact of being the judge is itself deserving of consideration, but that the possibility of a contempt citation calls for caution.[12]

Thus, it is possible to act in ways that are indicative of respect without actually *having respect* for the object in question. Although Darwall does not spend much time

[11]Of course, in "Two Kinds of Respect" Darwall talks at length about the fact that this *other* kind of respect is not morally required – my point is that *recognition* respect is associated most closely with morally required respect, and so this further distinction within a morally-loaded concept is troubling.

[12]*Ibid*, p. 41.

on this distinction, it seems an important point for understanding what the attitude of respect essentially involves; furthermore, his discussion of this case highlights the puzzle identified above. For one *might* think that "being respectful" towards the judge is at least an instance of *non-moral* recognition respect; that is, it might seem that what one is doing in this case is weighing a certain feature of the judge (i.e., the power the judge has to cite bad behavior) appropriately in one's deliberations, and acting accordingly. One might think that this behavior is an instance of recognizing that a feature of the judge restricts the range of prudential actions in the courtroom. However, Darwall is very clear that he does not consider this behavior to be an instance of recognition respect at all – says Darwall, "one can be 'respectful' of something [in this case, the judge] without having any respect for it (*even of a recognitional sort* [my emphasis]). This will be the case if one behaves as one who does have respect would have behaved, but out of motives other than respect"[13]. Thus, the case of the judge is not even a case of non-moral recognition respect for him – it is not a case of recognition respect for the judge *at all*, and the reason for this seems to depend (for Darwall) on the *motives* of the actor. It is somewhat tricky to trace the line of Darwall's distinction here, but the distinction might be this: Even though it may be considered a moral transgression to "disrespect" the judge, the actor's behavior is not a case of *moral* recognition respect because the actor does not restrict his actions out of recognition that the judge's status calls for a restriction on the moral permissibility of his actions. On the other hand, the actor's behavior is not a case of *non-moral* recognition respect either (and this is where it gets tricky), presumably because even though the actor is behaving prudentially (i.e., to avoid a citation) he is ***not*** doing so because he recognizes that there are features of the judge that restrict his behavior -- he is

[13] *Ibid*, pp. 40-41.

not acting out of any consideration of the judge at all. Rather, he is acting out of consideration of *negative consequences* that just happen to be under the judge's control. It seems that since the *regard* that is being shown by the actor is not directed at a *fact* about the judge at all, but rather at certain consequences of bad behavior, this behavior cannot be classified as any sort of recognition respect *for the judge*. It *might* be loosely termed recognition respect for bad consequences, but it is no sense recognition respect for the judge, because the *fact that is being given weight in deliberation is not a fact about the judge at all*. The actor is "being respectful" of the judge, but he has no recognition respect for him at all.

However, even if Darwall were to answer this way, it seems that this seems to make a distinction so subtle that it is barely a distinction at all; in trying to trace the distinction that he makes here, it seems as reasonable (given the formal structure of recognition respect outlined above) to conclude that the "respect" shown to the judge is *in fact* a case of recognition respect (contra Darwall), and that perhaps it is just not a case of *moral* recognition respect. It seems as if the man is regarding not *merely* the bad consequences that disrespecting the judge may cause, but is also regarding (with appropriate weight in his deliberations) the fact that the judge can *bring bad consequences to bear*. And that, at least, seems to show *regard for a fact about the judge*, non-moral (and merely prudential) though that regard may be. It is possible that Darwall's insistence that this case is not a case of recogition respect was merely an oversight, and should not be read too seriously as a something he wishes to commit his view to. However, even if Darwall may have made a mistake here (which I think is a

reasonable conclusion to draw), his discussion raises a point of tension that still needs to be resolved.

The case of the judge highlights the somewhat bizarre consequences of distinguishing moral from non-moral respect, and it highlights the problems that will accompany any analysis of respect that construes respect as a kind of good practical deliberation. For in the case of the man who has come before the judge, certain behavior seems required of him, certain behavior that (even when we delve into his motivations) seems to meet all the requirements for recognition respect. Even though the man has no recognition respect for the judge's status *qua judge*, he does have recognition respect for the power of such status; he does seems to have respect for the fact that the judge's role in the proceedings gives rise to behavioral requirements on the part of others. He sees certain facts about the judge as requiring certain behavior, and he acts accordingly. That he does this for merely prudential reasons seems not to matter in the respect-analysis at all (remember the case of the tornado); but, because the nature of his reasons does not matter, one is left thinking that there is actually very little distinction between "having respect" and "being respectful" (where the latter is, according to Darwall, not a case of recognition respect at all). In the case of the judge, the distinction Darwall wants to make seems nonexistent; the distinction that Darwall *does* make seems merely to concern which facts the man is weighing in his deliberations (that is, what are the *motives* he has for weighing certain facts in his deliberations), and thus seems merely a distinction about the *object* of his respect, and not a distinction about whether he *has* recognition respect at all. Thus, it seems that since recognition respect is *so broad* (i.e., since one has it whenever one is weighing certain facts appropriately in one's deliberations), there are

very few cases of thoughtful, prudential action that are *not* cases of a certain kind of recognition respect. And so it seems that the case of the judge is merely a non-moral case of recognition respect, and the lack of proper moral motivation on the man's part merely denotes that he is using prudential, rather than moral, reasoning.

The fact that it seems as if most good prudential reasoning will turn out to be some sort of recognition respect highlights how troubling distinguishing between cases of moral and of non-moral respect can be. If the term "respect" applies to any case in which one (thoughtfully) considers certain facts as delineating appropriate courses of action, then respect as a *general* concept is so broad as to be rather uninteresting. What seem to be important (given the broadness of the term) are those special cases that are a separate class within the broader concept. What seem to be *really* weighty, then, are the moral cases of recognition respect, and what seems to be most interesting and difficult is the attempt to delineate this special class. What makes this class special? And what distinguishes certain sets of features such that consideration of them prescribes *morally imperative*, rather than merely *prudent*, action? What sets the special case of *moral* respect apart? Although Darwall has an answer for this (i.e., that Kantian answer[14]), the fact that he analyzes respect the way he does makes it so that this is really the only important question to ask, and his analysis leaves one wondering if respect can possibly have the broad formal structure that he says it does if the meat of the analysis hangs on this one question.

[14]In the chapter on Kantian respect that follows, we will get Kant's answer to what sets this special class apart – morally imperative action will involve having the correct attitude towards creatures with the distinct ability to be moral self-legislators.

Section 6: Appraisal Respect and How it Differs Fundamentally From Recognition Respect

Appraisal respect, although not as important for our purposes, is the second kind of respect that Darwall identifies. In the next three sections we will briefly discuss this kind of respect, especially as it helps to understand "recognition respect" more thoroughly. As opposed to recognition respect, appraisal respect's objects are "persons or features which are held to manifest their excellences as persons or as engaged in some specific pursuit"[15]; appraisal respect involves having an attitude of *positive appraisal* of someone, or of some feature of that person (it will later be argued that these features must be character-related to be the proper objects of appraisal respect). According to Darwall, appraisal respect *just is the attitude of appraisal*, and it need not involve a notion of appropriate behavior towards someone in virtue of one's having that attitude towards them – the ***appraisal itself constitutes respect***. Although there may be certain behaviors that are deemed appropriate towards those for whom we have appraisal respect, appraisal respect does not consist in that behavior or in the judgment that certain behaviors are appropriate. Says Darwall,

> Typically, when we speak of someone as meriting or deserving our respect, it is appraisal respect that we have in mind. We mean that the person is such as to merit our positive appraisal on the appropriate grounds. It is true that in order to indicate or express such respect, certain behavior from us will be appropriate. But unlike recognition respect, appraisal respect does not itself consist in that behavior or in the judgment that is appropriate. Rather, it consists in the appraisal itself.[16]

Here, Darwall makes a distinction between appraisal and recognition respect that sheds additional light on the nature of recognition respect, as well as illuminating what is

[15] *Ibid*, p. 38.

[16] *Ibid*, p. 39.

essential to appraisal respect. According to Darwall, appraisal respect *just is* positive appraisal of a person or feature of a person (it will be argued later that one can only have appraisal respect for *persons and their features*), whereas recognition respect *just is* certain judgments and deliberations of what behavior is appropriate; or, alternatively, it just is that behavior itself. (It seems, given the analyses of recognition respect and of the case of "being respectful" to the judge just discussed, that Darwall's point here is that recognition respect just is an attitude adopted by weighing certain considerations appropriately – i.e., it consists in *those deliberations* undertaken *in that way*. It also consists in acting accordingly; when the opportunity for action arises, it consists in behaving in the way *such deliberations* prescribe). Thus, even though my positive appraisal of a person may cause me to act in certain ways towards that person (I may do them honor, or acquiesce to them, etc.), and even though that behavior may be deemed appropriate given *the fact that I have appraisal respect for that person*, my respect for them does not *consist* in that behavior. Presumably, I can have appraisal respect for a person without exhibiting these behaviors, since all that is required to have the attitude of appraisal respect is to have positive regard for someone (or for certain of their features); however, if I do not act appropriately upon consideration of certain facts that call for recognition respect, then it *cannot* be said that I have recognition respect. Having recognition respect essentially involves acting appropriately, and one must see certain facts as restricting one's actions in order for one to have recognition respect. This is not the case with appraisal respect – the actions that are appropriate given the fact that one has such respect are *not* essential to having that respect, and need not even be countenanced in order to have appraisal respect. However, countenancing what sorts of

behavior are appropriate (and, when the opportunity arises, acting in those ways) *just is* what recognition respect consists in.

Section 7: Appraisal Respect and Its Connection to Character

According to Darwall, one can have appraisal respect for persons as such, or for persons as judged in some specific pursuit. For example, I can either have appraisal respect for my friend Adele as a person (i.e., I can have a positive appraisal of her character in general), or I can have appraisal respect for her as a musician (i.e., I can have a positive appraisal of her as a talented violinist). In the first case, appraisal of Adele's character is essential to having respect for her; thus, this sort of appraisal respect will necessarily refer to her virtues and excellences as a person (and as a moral agent); however, in the second case, my appraisal of her need not refer to her virtues or excellences as a person at all, and will largely involve appraisal of abilities and skills that are irrelevant to appraising her character. However, Darwall argues that even though my appraisal of Adele as a violinist rests largely on features of her that are not part of her character (i.e., she has a good bow-hand, etc.), in the case of respecting Adele as a violinist, my appraisal respect for her *will* depend on features of her character in two ways.

Firstly, being a talented violinist is not enough to garner Adele respect among her fellow musicians – she may be widely recognized as a hugely talented musician, but if she does not behave honorably *as a musician* she is unlikely to be widely respected as a violinist. Says Darwall,

> Human pursuits within which a person may earn respect seem to involve some set of standards for appropriate and inappropriate behavior within

> that pursuit. In some professions this may be expressly articulated in a "code of ethics." In others it will be a more of less informal understanding, such as that of "honor among thieves." To earn respect within such a pursuit it is not enough to exercise the skills which define the pursuit. One must also demonstrate some commitment to the (evolving) standards of the profession or pursuit.[17]

Thus, even though I will not have appraisal respect for Adele as a violinist unless she is a good violinist, it is still the case that whether I have appraisal respect for her as a musician will depend on features of her character not related to her musical skill – in addition to her musical talent, whether I have appraisal respect for her as a violinist will depend on whether she conducts herself well *as a violinist*. If Adele is constantly trying to psyche out her competition, perhaps attempting to run over the first-chair violinist in the parking lot, then it is likely that she will not be respected as a musician, no matter how nice her fingering might be. She must, in other words, have recognition respect for the *standards and codes of behavior of the pursuit* in order to be respected as a person engaged in that pursuit.

Secondly, purely natural capacities are not proper objects of appraisal respect (even though they are important in developing skills in specific pursuits); having appraisal respect for Adele as a violinist does not mean having a positive appraisal for her graceful, long fingers. Rather, appraisal respect for Adele as a violinist is a positive appraisal of how deftly she uses her fingers to play her violin – and this is not a purely natural capacity. The deftness of her fingering is a result of hard work and practice – her natural abilities had to be nurtured and defined, and Adele's success in doing this is a result of certain character traits that are admirable. Thus, although natural musical capacity is a large part of what makes Adele a good violinist, it is not this natural capacity

[17] *Ibid*, pp. 41-42.

that is the object of my appraisal respect of Adele as a violinist. What I respect is her talent as a violinist, and that talent is not just a natural capacity; rather, it is that capacity as nurtured and developed. And the successful development of that capacity depends on good features of Adele's character. Says Darwall, "…even when we attend to those features of a person which are the appropriate excellences of a particular pursuit and involve no explicit reference to features of character, the excellences must be thought to depend in some way or other on features of character."[18] Thus, even when we consider Adele's talent as a musician as grounds for having appraisal respect for her as a violinist, this appraisal is not wholly independent of consideration of her character. If her talent were not in some way dependent on traits of character, it would not be a proper object of appraisal respect (consider that we would not *respect* a robot's wonderful ability to draw impeccable circles – we might admire it, but would not respect it as we might respect the same ability in a human being, according to Darwall).

Given that appraisal respect is, ultimately, respect for a person's character in general, or for certain features which are part of, or connected to, her character, it is important to understand what character *is*. According to Darwall,

> …the appropriate conception of the person which is relevant to appraisal respect is that of a moral *agent*…Those dispositions which constitute character (at least as it is relevant to appraisal respect) are dispositions to act for certain reasons, that is, to act, and in acting to have certain reasons for acting…But there are other dispositions of persons which we hold to be part of their character, and thus relevant to appraisal respect, but which are not best thought of as dispositions to act for particular reasons…Thus, the conception of character which is relevant to appraisal respect includes both rather more specific dispositions to act for certain reasons and the higher-level disposition to do that which one takes to be supported by the best reasons.[19]

[18] *Ibid*, p. 42.

[19] *Ibid*, pp. 43-44.

According to Darwall, then, the conception of character that is the ground of appraisal respect for persons (and of appraisal respect for particular features of persons) is the conception of an agent that is disposed to act for reasons (whether this be a disposition to act for particular reasons, or a higher-level disposition, such as the disposition to act on what one takes to be the best reasons). Most importantly, what we consider to be part of an agent's character are just those *dispositions* that are a *result of rational agency*. Insofar as certain traits are *dispositions* to act for certain reasons, they are parts of our character – honesty is the disposition to do the honest thing *because it is the honest thing to do*. However, we do not consider dispositions that are not a result of agency (i.e., the result of acting for certain reasons) to be parts of our character and, thus, these dispositions are not seen as relevant to appraising people as persons. A lack of warmth in dealings with others is not relevant in appraising someone as a person, unless we consider this lack to be something determined by her agency – she failed to make herself warmer, etc.[20]

Because appraisal respect concerns an appraisal of one's meritorious features, it can *admit of degrees*, and we can thus rank people according to how much appraisal respect we have for them. This is one major difference between recognition respect and appraisal respect – it does not make sense to rank people according to how much recognition respect we have for them *when that respect is predicated on the exact same*

[20]It is important to note here that just because we have a positive attitude towards someone's character traits, it is not necessarily the case that we have appraisal respect for him – having a positive attitude towards someone's character traits, then, is not a *sufficient condition* for having appraisal respect for them. For example, one could favor, and positively appraise, weak morals when one is looking for partner in crime; however, this does not mean that one has appraisal respect for that person and his weak morals. For the positive appraisal to constitute respect, according to Darwall, it cannot be conditional on what we want (or can get) from someone.

features or facts about them. For example, one *can* have more recognition respect for *people's feelings* than for *social convention*, but if one has recognition respect for peoples' feelings, then one *can't* weigh how much regard to give this fact by considering to whom this fact pertains. One can't decide whose feelings to respect more than others' – if one has recognition respect for people's feelings, then all feelings are the same, and they carry the same weight in our deliberations.

On the other hand, since appraisal respect just is positive regard for persons (or features of persons), it must be merited, and one person can merit it more than another. Thus appraisal respect *does* admit of degrees even as regards the same features – some people have the respected traits or features to greater or lesser degrees than others, and because appraisal respect is an appraisal of people and traits, it can be lesser or greater depending on the person's qualities. However, since recognition respect just is weighing certain facts appropriately in one's deliberations, those facts, where they are the same, must be given the same weight. One doesn't have recognition respect for one person, qua person, more than any other (if one truly has recognition respect for persons qua persons).

Section 8: Appraisal Respect and Its Connection to Recognition Respect

Thus, appraisal respect and recognition respect are two very different attitudes; however, there *are* significant connections between them, and two of those connections are important in highlighting the essential differences between the two attitudes. First, the grounds of appraisal respect will connect up with the considerations one takes as appropriate objects of recognition respect. For example, if I respect someone for her honesty (i.e., if I have appraisal respect for her as an honest person), then *I am committed*

to taking considerations of honesty as objects of recognition respect. If I positively appraise someone's honesty, then that means that I consider the disposition to act for reasons of honesty to be important; this, in turn means that I consider it important to show recognition respect for considerations of honesty (i.e., to let such considerations place limits and requirements on my behavior). Thus, if I respect Adele's honesty, then I think that having recognition respect for considerations of honesty (which her disposition to act for honesty's sake exhibits) is important.[21]

Second, it is clear from the analysis of appraisal respect that the only beings that are appropriate objects of it are those who can have recognition respect, i.e., those who can deliberate and weigh certain things as important in those deliberations (this is obvious from Darwall's account of character as well). Thus, appraisal respect is respect for persons insofar as they have recognition respect for those things that they should – appraisal respect is for people *as beings who can show recognition respect*.

This distinction has been very important in contemporary discussions of respect; most notably, this distinction makes sense of the claim that one must have basic respect for all persons as persons (i.e., one must have recognition respect for persons qua persons, and thus behave towards all people in certain basic ways), while at the same time recognizing that one can also have greater or lesser respect for people insofar as they deserve our regard (i.e., one can have appraisal respect for people over and above the basic recognition respect one has for them, and this respect can be gained and lost). What's more, this analysis attempts to dispose of the common mistake that to have

[21]This distinction is helpful in understanding what Kant says about he proper objects of respect – according to Kant, we do not respect people for being honest. Rather, we have respect for the moral law *in* such people (i.e., we respect the manifestation of the law, "be honest" that they exemplify). Darwall's distinction could help explain this curious claim – we have appraisal respect for such people, even though our recognition respect is only properly directed at the moral law in them.

respect for persons involves regarding some feature of them as good-making – this is true in the case of appraisal respect, but not of recognition respect. Says Darwall,

> When one is appraising an individual as a person, those features which merit a positive appraisal are good-making characteristics of persons…On the other hand, to have recognition respect for a person as such is not necessarily to give him *credit* for anything in particular, for in having recognition respect for a person as such we are not appraising him or her as a person at all. Rather, we are judging that the fact that he or she is a person places moral constraints on our behavior.[22]

Thus, according to Darwall, the idea that someone is being given credit for something when she is respected is only true of instances of appraisal respect; and confusion on this point is what leads to puzzles about what it means to give others what might be termed "basic respect". "Basic respect" (or recognition respect for others as persons, as doctors, as judges, etc.) is not an appraisal, it is not "giving someone credit" – it is a judgment about how to behave given the status of the object of respect. One can owe "basic respect" to someone that one does not think very well of – and Darwall's distinction is very important in explaining why this is so.

Section 9: Recognition Respect's Failure to Accommodate Hard Cases

Darwall's analysis is a generally Kantian analysis of respect – the notion of "recognition respect" for persons is indeed the sort of respect that seems to figure quite prominently in Kant's ethical theory. And one of the ways in which Darwall's analysis is particularly helpful is to clarify some of the more puzzling claims that Kant makes when he discusses respect – particularly, it helps to clarify how to conceive of "respect for persons" as properly respect for some feature/fact about them. On Darwall's analysis, the formal structure of respect – i.e., that it involves giving certain facts about someone

[22] *Ibid*, p. 46.

appropriate weight in one's deliberations – is such that the proper object of respect is a fact about them. At first, it seems confusing that this should be so – however, because respect turns out to be an attitude that is closely tied to correct (or proper) practical deliberation, this becomes a little less puzzling. If respect, as Darwall analyzes it, is a way of structuring one's deliberations in order to limit the sorts of actions one performs, then it seems less puzzling that it should be facts that are its objects. If respect is, fundamentally, a way of deliberating that *dictates certain sorts of action*, then it seems reasonable that respect fundamentally concerns facts about objects (what else could ones' practical deliberation directly engage with?), and only secondarily concerns behavior towards the objects themselves.

However, although this discussion helps to clarify these puzzling claims of Kant's (claims we will discuss further in the next chapter), it does not remove the worry that the puzzling claims miss the mark. Darwall's analysis *does* help to explain why Kant makes the claims that he does, and the introduction of appraisal respect *does* help anchor our commonsense intuition that there is *some sense* in which we can respect people themselves (and that such respect is related to the more basic type of respect that we have for all people); however, one is still left with the sense that identifying the objects of recognition respect as *facts about people* misses the mark. Aside from the fact that such a claim is counter-intuitive (for the claim turns out to be that respect for people is really only properly respect for their rationality; i.e., it is respect for a fact about them that we need to take heed of when deliberating actions that concern them), this sort of view can lead to counter-intuitive results in some cases.

For example, consider the case of an infant born with severe mental disability – such an infant is not rational and will never be rational in the ways that are important for Kantian-style respect. Such an infant is not a moral agent, and is rational in only a very limited sense (if at all). Respect is not owed such an infant, because the requisite fact that is identified as properly weighing in deliberations concerning it (in the way that limits *morally* acceptable actions) is missing – in order to limit the broad sense of recognition respect to the narrower moral case (where the "broad sense" is conceived of as "giving certain facts proper weight in our deliberations"), we have to identify a particular feature that limits our deliberations in moral (and not only prudential) ways. Darwall identifies this feature (in Kantian fashion) as a robust sort of rationality. The infant clearly does not have this feature -- there may be facts about the infant's parents that will weigh in our deliberations concerning actions that involve the infant (*they* care about the infant and wish it to be treated in certain ways, etc.), but the infant itself has no feature that figures in our deliberations in a way that demands respect. What this case shows is that if any creature lacks the feature that has been identified as the feature that carves out moral behavior (i.e., if a creature lacks whatever fact it is that carves out certain morally required behaviors when this fact is given appropriate weight in one's deliberations), then it is not owed respect. Thus, if such a fact just happens not to be true of a creature that it *is* regularly true of (for example, human infants), or if it fails to be true of a certain creature (for example, when one loses one's mental capacities due to accident, illness, or old age), then there is no grounding for restricting one's behaviors towards such creatures in the ways called for by "respect for persons". We may be able to give other reasons for restricting our behavior in these cases, but these reasons will not be grounded in some

fact about the creature itself. Thus, our behavior/attitudes will in no clear way be an example of respect for that creature at all; they will at best be examples of respect towards a rational being that cares about the non-rational creature, and thus will only be regard for the creature in an indirect way. That respect is properly directed at facts about creatures means that they are only owed respect insofar as they manifest a certain feature – and this means that, in some sense, the respect owed them is not owed them at all.

Thus, this sort of respect seems to be less intuitively what we mean by "respect" – intuitively, respect seems to function as a way of delineating appropriate ways of behaving towards creatures, and in Darwall's analysis, this is precisely what respect is supposed to do. However, given that the creatures are not fundamentally the objects of that respect, they lose the "protection" that respect seems to provide them when they lose the requisite features – respect, on this sort of analysis, is an attitude that does not engage with the creatures directly, and so such an analysis cannot as easily accommodate cases in which the abstract features it *does* engage with are missing. In such cases, the creature falls out completely, because the feature is not there; and it seems that respect should not function in this way. Respect should do precisely what, on this sort of analysis, it fails to do – it should explain why certain sorts of behavior are not acceptable towards certain creatures, despite certain contingent facts about them. It is true that at some point we need to give reasons for why *this creature* needs to be respected; however, this sort of analysis grounds such reasons in a way that seems unable to deal with the hard cases, which arguably are the ones that a notion of "respect" is designed to accommodate (i.e., "respect" can be seen as the attitude that limits behavior no matter what other facts obtain).

Section 10: Respect and the Value of Valuers

Another contemporary analysis of respect that draws on Kantian ideas is Joseph Raz's. Given the problems in Darwall's account (particularly the fact that his formal analysis casts "recognition respect" as good practical reasoning that is only sometimes morally required), I wish to turn to Raz's account as a more promising formal analysis of respect. Interestingly, instead of casting respect as a certain attitude and behavior that arises from correct deliberation (which in some cases is morally required), Raz casts respect as an appropriate response to value (of all kinds). This avoids the problem of distinguishing cases where respect is obliged from those in which it is not, but it raises other problems that we will discuss in detail later. However, the analysis seems more promising, and it is from this analysis that I will draw much of my own account.

In Chapter 4 of *Value, Respect, and Attachment*[23], Joseph Raz gives a Kantian-style analysis of respect, according to which respect is an attitude and a set of behaviors that protects a very important capacity – the capacity to engage with value. According to such a view, respect can be understood as a set of categorical reasons that apply equally to all moral agents – we have reasons (reasons of respect) to develop a particular kind of attitude, and develop certain kinds of behaviors, towards things that have value. Ultimately, Raz's analysis explains respect as the way this set of reasons concerning how to engage with value operates. We have reasons to view and behave towards objects of value in certain ways, and these ways are ultimately ones that maintain our ability to engage with value at all.

[23]Raz, Joseph. *Value, Respect, and Attachment.* Cambridge: Cambridge University Press, 2001.

According to Raz, the Kantian analysis of respect is the best analysis that we have, and his view is an attempt to clarify and improve on that basic framework. Essential to that basic framework is the claim that respect is owed to things that are ends-in-themselves, and so Raz begins his analysis with a clarification of this claim. What does it mean, then, to be an end-in-itself? According to Raz's analysis, what it means to be an end-in-itself is really just to have value-in-itself. And what being of value in this way essentially involves is a capacity *to value* – the idea is that there are things of value in the world, but the only things that have value in themselves are those for whom there are things they value that are good for them. Such valuers, and such valuers alone, are good unconditionally – i.e., their being good is not conditional on anything else's being good (unlike many of the things that they value, which are only good insofar as they are good for something else that is good). The main idea is that in the hierarchy of value and goodness, there has to be something that is of value even if there is nothing else it is good for; how could we explain the value of something that is "good for something else", if the thing for which it was good was not itself good? Says Raz,

> If A is good for B which is itself devoid of value, that A is good for B is no reason for anyone to do anything, nor a reason for valuing A in any way at all. It is as if A's value is without value. In other words it, A, is without value. If B is good, but only inasmuch as it is or can be good for C, then whether the value of A means anything (as explained above) depends on whether C is valuable. If A is watering or spraying a protective spray on B, which is a plant – which is good because it enables B to produce C, its fruit – then the value of watering or spraying A depends on whether the fruit is of any value (assuming that B is not valuable in any other way). If there is nothing good in the fruit, what good is watering it?[24]

[24] *Ibid*, p. 147.

According to Raz, this is not a regress argument, but merely an "observation about the nature of value"[25]. To even make sense of the idea that there is anything "good for" something else, there has to be something that has value in itself to explain why those other things (that are good for it) have value. According to Raz, what ultimately has value in this way (in itself) is valuers. Valuers are good unconditionally, and things that have either instrumental or intrinsic value only realize their value when they are correctly engaged with by those that are valuable in themselves. Although this is a somewhat tricky distinction, the claim is essentially that all the values that exist in the world – for example, the intrinsic value of a beautiful painting, or the instrumental value of a sweater – are values to be realized by a valuer. That is, they are good because there is something that they are good for. However, this does not necessarily mean that what makes them good is that they are good for something else. Says Raz,

> …that whatever is not good in itself is good only if it can be good for someone or something does not mean that what *makes* it good is that it can be good for someone or something. Intrinsic goods differ here from instrumental goods. For instrumental goods the inference is valid: what makes a good car good is that it can be used by people. But the inference fails for intrinsic goods. What makes Bonnard's *The Garden* a good painting is its sumptuous colour, its dense colouristic texture, its success in portraying the depth of the garden and its plants in spite of its apparent flatness, its use of this flatness to disguise and ambiguate spatial relations, etc. It is good for us because it is good, not good because it is good for us. Yet it would not be good unless it could be good for us (or for someone else, some extra-terrestrials, etc.).[26]

If there was no valuer for whom the appreciation of a beautiful painting was good, then it would not be good (despite the fact that its value is intrinsic and not instrumental – i.e., despite the fact that what *makes* it good is its intrinsic properties, and not its

[25] *Ibid*, p. 147.

[26] *Ibid*, pp. 148-149.

usefulness to others). The claim is easier to understand in the case of instrumental values -- if there was no valuer for whom the instrumental value of a sweater was good, then it would not be good. In the case of the sweater, it is the fact that it is of use to a person that it is good (i.e., its good-making properties are directly related to its use to a valuer), but in the case of the painting, what makes it good is facts about it that are not directly related to our use of it – its richness, its color, etc. However, even in the case of the painting, it is good because it is good for us – to say that it is good in the absence of someone for whom it is good makes no sense. Granted, it is good *for us* because of its intrinsic goodness – but if there were no one to appreciate that goodness, it would *not be good*. According to Raz, then, for intrinsic and instrumental values to have value (for them to be good) there must be something that has value in itself for whom they *are values* – there must be something that is unconditionally good for which these things are good in order to explain *why* they are good at all.

This analysis points out a distinction between two kinds of value – value that is conditional on there being something that the thing of value is good for, and value that is not conditional on there being something that value is good for. But how is this different from simple intrinsic value? The idea is that for something to be good in itself (the particular kind of value that Raz is trying to pick out), there must be things that are good *for it* (leaving out inanimate objects, for example) – the preceding discussion shows that for us to posit values at all, there must be something of this sort, something good for which *other things* are good. However, for such things to be good in themselves, it must also be the case that there being things that are good for them must not be conditional on *that* fact being good for anything else. Again, the example Raz gives is of the

appreciation of a beautiful painting – appreciating it is good for me, but its being good for me is not conditional on my appreciation being good for anything else. The explanation of why appreciating the painting is good for me stops with me – it just simply is good for me. This is contrasted with the good of something like a knife – one could describe being kept rust-free as being "good for" the knife, but the fact that it is good for the knife is conditional on the fact that the knife has instrumental value. It is good for the knife to be kept rust-free, but that is only because being rust-free makes the knife better-equipped to be good for its uses – i.e., better-equipped to be good for the one who uses it.

Why does Raz identify valuers as those that are of value in themselves? The preceding discussion gives us reason to think that there must be something of value in itself, and that it must have certain features. But why think that it is valuers that fit the bill? According to Raz,

> …the tacit assumption…was that what is good for someone is there to be engaged with in the right way. In a way, intrinsic values are there to be engaged with by those who are of value in themselves. Their value is realized when those of value in themselves engage with them in the right way…Recognition of the value of what is valuable is at least part of many forms of engagement with value in the right way. Those capable of it, that is, those we called valuers, therefore meet this first condition of being a good in itself. If there are intrinsic values whose realization requires recognition, a recognition which being valuers they can give, then there are things, which are, assuming that the valuers are good, good for them.[27]

According to Raz, valuers are exactly the sort of thing that meets the first condition of something being good in-itself because of what the realization of value involves. For values to be realized, something must engage with them in the right way – values are wasted if they are not realized by someone who can engage with them in the right way. And valuers, those capable of recognizing and engaging with value in the

[27] *Ibid*, pp. 154-156.

right ways, are then essential for values to be realized. They are exactly the sorts of things for whom values in the world are good – because they can engage with them in the way that realizes their goodness. So valuers, because of their ability to recognize and engage with value, are the sorts of things for whom there are things that are good.

Valuers meet the second condition of being good-in-themsleves in virtue of the fact that the goodness of value-engagement for a particular valuer is not conditional on that engagement being good for anything (or anyone else). As discussed before, that my engagement with a work of art is good for me does not depend on this engagement being good for anything else but me.

Section 11: Respect as an Appropriate Response to Value

Given that we accept this account of value, why does this mean anything about how we should act? Why does the existence of this sort of value give us any reason to act in certain ways, or have certain attitudes towards, those that have value in this way? According to Raz, "respect in general is a species of recognizing and being disposed to respond to value, and thereby to reason."[28] According to Raz, to understand how obligations of respect arise, we need to analyze the idea of appropriate responses to value, and such an analysis will help us to understand respect for people as a particular kind of appropriate response to the value of valuers.

According to Raz, there are three stages of appropriate response to value. The first stage is simply a psychological acknowledgement of the value, as well as expression of that acknowledgement in ways consistent with it. For example, if I recognize that a painting has value, the first stage of appropriate response is acknowledging that value in

[28] *Ibid*, p. 160.

the way that I think about that painting. To acknowledge this value, I must only think of (and talk about it) in ways that are consistent with its value – for example, if its value is intrinsic, I must not think of it as merely a tool for my use. To use an example already discussed in Chapter One, if I recognize that the "Mona Lisa" has value, I must not think of it as merely a spare piece of canvas with which I can do whatever I wish. What this first stage essentially involves is appropriate recognition of value as valuable.

The second stage of appropriate response to value is to preserve, and not to destroy, it. Responding to value appropriately involves not destroying it (and taking steps to preserve it) so that it *can* be engaged with. To continue with the "Mona Lisa" example, not only must I not think of the painting as merely spare canvas, I must also not let my children scribble all over it. Both of these first two stages of response give us particular kinds of reasons, and it is these reasons that Raz identifies as reasons of respect. We have reason to acknowledge objects of value as valuable, and to preserve and not destroy them. Why are these reasons of respect? They are reasons of respect because these reasons hold regardless of whether we actually *do* value the objects in question. To understand this, we need to discuss the final stage of appropriate response to value – engaging with it in the appropriate ways.

According to Raz, the third stage of appropriately responding to value involves actually engaging with that value, while the first two stages involve maintaining the capacity for these values to be engaged with. The first stage involves developing the sort of recognition on the part of the valuers that enables them to engage with these values appropriately. In order to be able to engage with the "Mona Lisa" appropriately, I must first see it, and acknowledge it, in ways that express recognition of its value. If I do not

have this recognition, I will not be able to engage with it appropriately. If I do not see the "Mona Lisa" as having the sort of intrinsic value that it has, chances are I will not engage with it in the right ways; I am more likely, for example, to let my children scribble on it if I see it as a mere tool for my use. Along these same lines, if I do not preserve (but in fact destroy) this painting, I will not be *able* to engage with it at all.

The first two stages of response to value, then, preserve the possibility of engagement with value (respectively) by (1) helping us to develop and maintain the correct attitude towards objects of value so that correct engagement can occur, and (2) maintaining these objects so that they are there to be engaged with. According to Raz, even if we never engage with these values, we have reason to develop and maintain the capacity to do so by responding to value in these first two stages. These two stages give us reasons to think and act towards value in certain ways that invite this engagement, even if it never happens – we have reason to do this so that others can engage with them at the very least, even if we never do.

The third stage of appropriate response to value, on the other hand, consists in our actually engaging with this value. For example, engaging with the value of the "Mona Lisa" involves taking in and enjoying the beauty of its arrangement, paying attention to its details, letting one's thoughts go and immersing oneself in the combination of colors, shading, etc. According to Raz, we are fulfilled by engaging with value in these ways, and the specific sort of value that something has determines what appropriate engagement with it involves – the third stage, then, involves engaging with value in a way that *realizes* it. However, says Raz, "if engaging with value is the way to realize value,

respecting value is the way to protect the possibility of that realization".[29] The first two stages of response to value are the stages that protect that possibility – they involve the right relation to value whether or not we in fact engage with it. Specifically, the possibility of engaging with value gives us basic reasons to think about, and act toward, value in ways that preserve this possibility. These are reasons of respect, and acting (appropriately) according to these reasons is what behaving with respect involves.[30]

On this view, then, respect can be a response to any kind of value. However, the type of value that is respected will affect how that respect is cashed out, and will affect how stringent the requirements that response generates turn out to be. Raz believes that since people have a sense of their own identity and are deeply hurt by behavior and attitudes that reflect a lack of appreciation of their value, respect for people is different from, and its requirements are more stringent than, other forms (this will be discussed more below). However, it is structurally the same as other forms of respect.

Section 12: Respect for Persons

As will be discussed more below, Raz believes that facts about the way people view themselves make respect for persons especially stringent. But respect for people is also different in that it is a response to a very specific sort of value, as described previously. It is a response to the value of valuers, and because of this, what it involves will be different from what is involved in other sorts of respect. Although Raz does not

[29] *Ibid*, p. 167.

[30] This connection between reasons of respect and behaving with respect is not explicitly stated by Raz, but the general direction of his discussion suggests it. It seems that his use of the phrase "reasons of respect" is intended to distinguish between the reasons that facts about value give us, and the actions that we think these reasons demand of us (actions that we typically call respectful ones).

explicitly discuss this here, one could argue that since what respect involves in the case of valuers is preserving the capacity to *value*, and seeing this value in the appropriate ways, this can be understood as Kant understands it, as responding appropriately to their value *as* valuers. Their value involves a specific kind of capacity – it is the value of engaging, and being able to engage with, value. The Kantian idea that we must preserve and respect autonomy in rational beings, then, could be understood on this model – appropriate acknowledgement and preservation of the value of valuers involves acknowledging and preserving their capacity to value, and to engage with value. This could involve a lot of the standard Kantian ideas of what respecting a rational being involves. It could also help to explain why respecting rational beings seems important in a unique way. If the realization of value depends on valuers being able to engage with value, it is not only important for the *objects they value* to be preserved (as Raz discusses), but it is also especially important for the capacity *to value* to be appropriately acknowledged and preserved.

However, it is important to note that Raz does not make this connection, and is careful to point out that respecting people is merely a species of a more general way to respond to value. In keeping with this analysis, Raz thinks that *any sort of value* gives us categorical reasons (of respect) to act in certain ways, no matter what those ways might be. These reasons are categorical in that their strength as reasons does not depend at all on our tastes and inclinations. Says Raz,

> Reasons for respect are categorical reasons, in the sense that their weight or stringency does not depend on our goals, tastes, or desires…most other things that we have reason to do or be, and which give content to our lives, are all activities, relationships, attitudes, etc., which there are reasons to have, but the weight or stringency of these reasons depends on our tastes…Not so with reasons for respect: their stringency is not affected by

> our inclinations, tastes, goals, or desires. It does not follow that they are weightier, or more stringent than other reasons…Yet, in being categorical reasons of respect are also reasons the flouting of which, when they predominate (that is when they defeat other reasons), is wrong.[31]

According to Raz, then, respect is a moral notion because reasons of respect are categorical. That is, having reason to preserve objects of value, etc., does not depend on what we like, or want, etc. Rather, these are reasons that hold for all who engage with value, and when these reasons predominate (as they often do in the case of respect for persons), disregarding them is wrong. Another way to think of this claim is that reasons of respect give us determinations of right and wrong action because whether or not we *should* have these reasons does not depend on anything we want (the *"should"* is moral, not prudential). Reasons of respect can be stronger or weaker reasons, depending on the value that is being respected, but our having these reasons, and paying attention to them, is something that is given categorically and not hypothetically – these reasons are reasons for us not because we do *in fact* value the object in question, but rather because it *can* be valued (and thus is valuable). And when these reasons are predominate, ignoring them is wrong.

What respect requires of us, though, differs according to its objects. According to Raz, its stringency also differs according to its object. Says Raz,

> Its [respect's] two aspects: acknowledging the value in word and deed, and preserving it, are products of nothing more than that the valuable is valuable. But what the acknowledgement consists in depends naturally on the content of the value, as do the actions required to preserve it. Similarly, the stringency of the reasons to acknowledge and preserve depends on the importance of the value. Not, let me remind you, its importance to any one valuer, but its importance as something which *can* be valued, value which *can* be realized…If respect for people differs from respect for works of art this is partly because the value of people differs from the value of works of art. It is also because people, unlike works of

[31] *Ibid*, p. 168.

> art...have a sense of their own identity, a sense that they are of value, and therefore are hurt by disrespect, a fact which lends special stringency to duties of respect for people.[32]

Respect for people, then, can be distinguished as more stringent merely by the fact that it is respect for a particular kind of value. It is respect for something that is conscious of its own value (and thus can be hurt or harmed by disrespect), and which (presumably) is an *important* kind of value.

Section 13: Problems that Arise With This View

It is this last claim that invites a problem parallel to that which arose in connection with Darwall's views – why are these reasons more stringent? Why are these trumping reasons? Remember, Darwall's attempt to tie our various uses of the term "respect" together invites this same worry – why is failing to respect people immoral, but failing to respect the "power of a tornado" merely imprudent? Tying respect to reasons for action (or for developing the correct attitude) in this way makes the distinction between morally required and not morally required cases of respect hard to make. Raz's account also invites this problem, although he attempts to deal with it by classifying all cases of respect as giving us categorical reasons to act, and that when these reasons predominate it is wrong to disregard them. Because of the psychological intensity of a person's sense of her own value, for example, reasons of respect for people do often trump our other reasons, and so respect for persons feels more stringent (we will view the responses as carrying more moral force because of the potential harm).

However, this attempt to distinguish among the many different kinds of respect invites another problem – how do we determine when our reasons of respect

[32] *Ibid*, p. 170.

predominate, and are not trumped by other reasons? It seems that we have to sneak in a normative evaluation of "trumping reasons" here, and so the problem of figuring out which reasons are most stringent seems either (1) to invoke some hidden moral evaluator (such as that the existence of self-consciousness gives us trumping reasons/more important value), or if not, (2) to be arbitrary.

Consider again the case of the "Mona Lisa" – (most would agree) it has some sort of non-instrumental value, and according to Raz's accounts, it seems as if we have reasons of respect to preserve this painting, since doing so makes it possible for its value to be realized by those of value in themselves, etc. But this case seems importantly different from a case in which we have reasons of respect to preserve a human life. Why? Presumably, one answer is that the painting does not *care* if it is respected. Another is that there is not much *harm* done (to the painting) if one does not respect the painting. Interestingly, this is not entirely true when we come to Raz's second stage of responding to value (preserving what is of value); however, even if failing to preserve the painting harms it, it seems that this is best understood as a harm because it means that no valuers can engage with the painting anymore (its value cannot be realized). But in both of these answers, it is assumed that there is something lacking in the painting that makes respecting it not all that important, or that if damage is done to the painting, this is bad because of facts about valuers and not because of facts about the painting. And this assumption is an evaluation of the normative significance of what the painting lacks and of what valuers have, and this evaluation needs more explanation.

The problem, in a nutshell, seems to be this: if we cash out respect in terms of reasons to preserve, honor, etc., things of value, we can go one of two ways when

explaining the kinds of reasons it gives us. We could say that (1) these reasons are ***all categorical reasons*** that potentially carry moral weight, no matter what the object of value is (in which case, respecting a painting is required in the same way – it gets whatever moral force it has in the same way that respecting a person does, even if it requires different sorts of behaviors or is less morally stringent). On such a view, these reasons just fall on a moral spectrum given the normative significance of the features that give it value. Or we could say that (2) these reasons do not all carry moral force, and rather then describing a moral spectrum, some reasons of respect do not carry moral weight, even if they are structurally the same as those that do. That is, the latter option is that some respect gives rise to morally required responses, and some not (or, if you like, some attitudes are morally required and some not); and if we preserve the idea that respect is (structurally) simply the appropriate response to value, what makes the difference must be the presence or lack of a normatively significant feature/fact.

As mentioned above, it seems that Raz wants to take the first option, and strongly resists the second (interestingly, Darwall goes the opposite way in his parallel problem). But no matter what Raz wants to say, there are problems with either option. If we take the first option, it seems that the account of respect, although moral, is normatively empty. If respecting a painting is moral in the way that respecting a person is (with the difference lying completely in weightiness/moral force and/or a difference in the behavior that is called for), then the explanatory puzzle is no longer why we have to respect the things we do, but why respecting some things seems so much more important. And this cannot be answered without explaining why some things have more normative force than others. To continue with our example of the painting, suppose that one had to

disrespect a person (maybe even severely humiliate her) in order to save all the paintings in the Louvre. It does not seem obviously right to refuse. But if that is the case, then the claim that respecting persons is a more stringent requirement than respecting paintings is not merely due to a difference in kind, for the quantity of the disrespect and respect that are weighed seem important here, too. It is also not clear that it is right to refuse to *torture or kill* someone in order to save all the paintings in the Louvre. For if all the paintings in the Louvre go up in smoke, their value can never be engaged with again. So it seems as if the amount of value lost might matter; for is the loss of one being that realizes value greater than the loss of roughly 12,000 objects of value? If we take the option in which we describe a spectrum of morality, considerations of respect will indicate that some behaviors are appropriate and others not, but will be empty in telling us which ones and why.

If we take the other option (as Raz is loathe to do), and insist that some respect is moral and some not, then the problem is this: even though we have a more comfortable set of intuitions, we have little to explain why the line is drawn where it is. For example, one might simply assert that respecting the painting is just not a moral concern (although this is not as obvious as one might think – but I will set that aside for now). But *what* makes the difference? Perhaps the Kantian story can be offered here (as Darwall suggests) – one can claim that people are just special in certain ways (they are the ground of obligation, for example) but then another problem arises. In what sense is "respecting a painting" related to "respecting a person" now, since a difference in value makes such a difference? One might wonder at the usefulness of identifying the two kinds of respect at all if this is the option we take, and might think that it would make more sense to use

different terms to denote those responses that are not only appropriate/inappropriate, but morally required/prohibited.

What this problem seems to indicate (even if we attempt to solve it) is that despite Raz's reluctance to develop a view according to which certain values just call for respect and others don't (i.e., a view where some things have a unique moral status that needs to be acknowledged), a claim very much like this will eventually have to be made. If we attempt to cash out respect in terms of reasons to act/think in certain ways, and if we attempt to do so in ways that make sense of the wide applications of the term "respect" (as both Raz and Darwall do), the question of why some reasons are weightier than others will inevitably arise. And we will either have to say that certain kinds of value give us more stringent ways to think and act, or that certain kinds of value give us moral reasons and some don't. If we take the second view, where the normative work needs to be done is obvious. However, even if we take the first view, and describe the difference in weight as a result of different kinds of value requiring different things from us (or giving us different sorts of reasons), this seems to implicitly acknowledge a more fundamental difference in these reasons. These are not just different reasons based on different values, but more important reasons based on more demanding sorts of value. It seems that these values do give us different reasons, and if this results in weightier obligations it seems that we still have the same kind of explaining to do as we had in the second case. And so even on the first view, the same sort of normative work needs to be done, but with the disadvantage of having an extra step to explain – the differences in the weight of the reasons given the differences in value. It seems, then, that we might as well bite the bullet and face the problem head on. Although I think that Raz's claim that respect is an

appropriate response to value is correct, we should diverge from Raz's spectrum view of the objects of respect, and should at this point take the second view described above. Doing so will lead us most naturally to Kant's analysis of how to narrow the scope and objects of the obligation of respect. So let us turn, in the next chapter, to Kant's own views.

Chapter Three

Kant

As we saw in the last chapter, Stephen Darwall's and Joseph Raz's analyses are Kantian in nature, as are many current analyses of respect. Therefore, when discussing "respect" as a fundamental moral notion, it is important to understand the Kantian view from which all these analyses spring. Respect figures prominently in Kant's ethical theorizing, and thus has figured importantly in the theorizing of those who have followed in his footsteps. Kant, then, will be discussed at length here, and analysis of his ideas will provide a framework for later discussion of the idea of respect as a fundamental moral notion. It will also help to highlight the problems that arise when grounding any account of respect (specifically the problems that arise when we attempt to give an answer to the scope and object questions identified in Darwall and Raz's views).

Section 1: Overview of Kantian Respect

In *The Grounding for the Metaphysics of Morals*, Kant begins his discussion of morality by analyzing the idea of a good will; according to Kant, there is nothing in the world that is good without qualification except for a good will. What this means is that a good will is the only thing that is good in every situation, no matter what other conditions hold. All other good things in the world – including things that are non-instrumentally

good, are not good in each and every situation, regardless of context. Rather, all other good things are only good given that other sorts of conditions are met. A good will, however, is the only thing that is good without this qualification – it is the only thing that in all situations, under all conditions, is good. What does this mean for all *other* good things? To take an example that Kant himself uses, intelligence may indeed be very good – and may indeed be good *in itself* (for example, it may be good apart from any use that may be made of it) – but it can only be seen as good *given that other conditions are met*. For example, one does not consider intelligence to be a good thing in a person whose will is not good – that such a person is intelligent can in fact seem somewhat unfortunate, since that person does not will to use that intelligence in pursuit of good ends. That such a person wills bad ends casts a shadow on the goodness of having the intelligence to direct such actions in a clever fashion; we do not consider intelligence to be good independent of the condition that it be used in pursuit of good ends; in this case, then, the goodness of one's will is a condition on our judging that one's intelligence is a good thing.

The obvious question, then, is "What is a good will"? According to Kant, a good will is most clearly shown in cases when someone has absolutely no inclination to perform a certain action (helping the poor, for example), but performs it anyway because that action *is one's duty*. A good will, then, is most clearly displayed when one performs actions that are required *because they are required*, and ***for*** no other reason (even if it may turn out that one *has other reasons*). Thus, someone with a good will does what the moral law requires, and does so *because* the moral law requires it, even if there are other reasons one might have to want to do what is required. And it is this regard for the moral

law, and the will to do what the law requires based on this regard (i.e., practical determination of the will given esteem for the moral law), that constitutes a will that is good. Thus, someone with a good will is attentive to the laws of morality that are delivered to him by his reason, and he has *respect* for this law as binding on him. Says Kant,

> …respect is a feeling, it is not one received through any outside influence but is, rather, one that is self-produced by means of a rational concept…what I recognize immediately as a law for me, I recognize with respect…The immediate determination of the will by the law, and the consciousness thereof, is called respect…[33]

Thus, one who has a good will and does what is required of him does so because he has respect for the moral law; this involves having an esteem for the moral law, as well as being disposed to choose one's course of action (i.e., to set, or determine, one's willing) based on what the law requires of him. Thus, a man might desire to keep all of his money and ignore the suffering of others; however, if his will is good, he will recognize a duty of beneficence to others, and recognition of this as a duty (given to him by the moral law), coupled with the setting (or determination) of his will to go ahead and help those in need, constitutes having, and acting out of, *respect* for the moral law. And it is having this respect for the moral law (and acting according to it) that truly marks out a good will.

Thus, one way in which respect figures prominently in Kant's ethical thought is: a good will is possessed by one who (1) has proper respect for the moral law, and (2) subsequently commits oneself fully to following that moral law. In other words, having a good will involves having a robust esteem for the moral law, as well as a commitment to

[33]Kant, Immanuel. *Grounding for the Metaphysics of Morals* (in *Ethical Philosophy*. 2nd Edition. Trans. James Ellington). Indianapolis: Hackett Publishing Company, 1994, p. 14.

act according to that law which is esteemed. Thus, having the correct orientation to the moral law (i.e., regarding it as a law for you that determines your will unconditionally) is having a very important kind of respect. Says Kant,

> …respect is an *estimation* of a worth that far outweighs any worth of what is recommended by inclination, and that the necessity of acting from pure respect for the practical law is what constitutes duty…[34]

Thus, very formally and abstractly, respect is important for Kant because having respect (or, as the quotes given suggest, a proper "feeling", or estimation, or "regard") for the moral law (where this respect involves having a strong commitment to act according to the moral law, to choose according to its dictates) is what having a good will is all about; doing what morality requires for the right reason (i.e., that it *is* required) is having, and acting out of, respect for the moral law. Thus, having (and acting out of) *respect* for the moral law – having the correct orientation to the moral law, and being committed to behaving according to this orientation – is an important way of looking at *how* morality works for rational beings.[35] Respect, for Kant, is a fundamentally important idea for explaining what truly following the laws of morality is about.[36]

Respect is also important in Kant's thought for another reason – it figures prominently in *what the moral law requires*. According to Kant, the moral law requires us to act only on those maxims that we can will to be universal law[37], and what this

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[34]*Ibid*, p. 15 (my italics).

[35]This also shows that Kantian "respect" is both (1) a feeling, or regard and (2) a practical, active determination. Respect is both a way of "looking" at the moral law, and a way of organizing one's behavior in light of it.

[36]Further analysis of this will come later – for example, a more complete discussion of the moral law as an object of respect.

[37]This is the First Formulation of the Categorical Imperative. For brevity's sake, I am assuming familiarity with these aspects of Kant's ethical theory.

involves when other human beings are involved is important for understanding respect. According to the second formulation of the categorical imperative[38], one is required to act in those ways that treat rational nature never as a mere means, but also always as an end in itself. The reason for this, on Kant's view, is that things that are ends in themselves in the way that rational natures are have a *dignity that is above price*; they have a worth that is beyond measure, they have dignity insofar as they are not valuable merely for some use that they serve. As such, they should not be treated as if their worth were somehow only valuable *as a means* – they should be treated as ends in themselves, as valuable as ends-in-themselves. Says Kant,

> …rational beings are called persons inasmuch as their nature already marks them out as ends in themselves, i.e., as something which is not to be used merely as a means and hence there is imposed thereby a limit on all arbitrary use of such beings, which are thus objects of respect.[39]

The fact that rational beings are ends in themselves marks them out as things which cannot be used in just any way one desires; there is a limit on the use/treatment of such beings, and we discover this limit (marked out by the moral law) through reason. What's more, acting in accordance with one's respect for the moral law is, in effect, paying attention to this limit. Thus, the way in which respect figures in the content of the moral law (i.e., by marking out certain limits on how we can treat rational beings) is much the way it figures in the elucidation of the concept of duty – acting with respect, essentially, involves a determination of the will to act/not act in certain ways. Says Kant, "This principle of humanity and of every rational nature generally as an end in itself is

[38]See Note 37.

[39]*Ibid*, p. 36.

the supreme limiting condition of every man's freedom of action."[40] When one recognizes rational nature as something that cannot be used in just any way, one is respecting the humanity in that person by seeing it as something that determines/limits one's will. Respect, then, involves both a determination of the will and a certain sort of feeling; it is esteem for unconditional worth – both the worth of the moral law (as discussed above) and the worth of rational nature itself. And in both cases, respect involves one's will being determined/limited by the esteem it feels for that worth. Having respect for the moral law, and for rational nature, involves one's will being determined to "behave appropriately" towards the unconditional worth that is recognized.

That respect is owed both to the moral law and to beings with rational natures is not an accidental similarity, however; respect is owed to beings with rational natures *because* of their connection with the moral law. Specifically, beings with rational natures have the sort of worth that Kant describes because they are *legislators* of the moral law – they give the law to themselves. According to Kant, it is imperative that rational beings give themselves the moral law, because if there were external imposition of this law (rather than self-imposition), obedience to it would not have the correct character. In order for the law to be binding on agents in the right way, they must see themselves as free to follow it or not, as a dictate of their own reason. When this is the case, following the law will have a truly moral character, for only then will the law be followed *for itself*. In order to have the good will that Kant describes, agents must see the law as rationally, but not prudentially, necessary; only then will they follow it for its own sake (i.e., because they see it as rationally necessary -- they see it as a constraint on their will *only because* they see that they have good and sufficient reasons to follow it, no matter what

[40] *Ibid*, p. 37.

else they may have reason to do) and not for any other motive (i.e., fear of an external legislator, etc.).

Section 2: Why Must Those With Rational Natures Be Treated as Ends?

According to Kant, the fact that rational beings give themselves the moral law, the fact that they are self-legislators of morality, is the source of their rational natures having a "worth beyond price" (or, alternatively, of their having dignity). Says Kant,

> And the dignity of humanity consists just in its capacity to legislate universal law, though with the condition of humanity's being at the same time itself subject to this very same legislation.[41]

But why is this? Why is it that the worth/dignity of rational natures lies in their capacity to do this sort of legislation? What is so special about doing this? The answer lies in how Kant believes worth is conferred. According to Kant,

> Thereby is he [a rational being] free as regards all laws of nature, and he obeys only those laws which he gives to himself. Accordingly, his maxims can belong to a universal legislation to which he at the same time subjects himself. For *nothing can have any worth other than what the law determines*. But the legislation itself which determines all worth must for that very reason have dignity, i.e., unconditional and incomparable worth; and the word "respect" alone provides a suitable expression for the esteem which a rational being must have for it. Hence autonomy is the ground of the dignity of human nature and of every rational nature.[42]

Given that worth can only be determined by the law, it seems that whatever *gives* the law must itself have unconditional worth[43]. In order to be worth-conferring, the legislation/legislative act itself must have unconditional worth, and since this legislation

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[41] *Ibid*, p. 44.

[42] *Ibid*, p. 41 (my italics).

[43] This is not the only way to understand Kant's arguments. In Chapter Five, we will discuss alternative ways to make this argument, but for now, I will give a cursory explanation in order to make the analysis clear.

is something rational agents do, their own worth lies in their ability to do this. In fact, their unconditional worth can come from no other place; a plant or rock, while it may have worth, is not the sort of thing that has a "worth beyond price", or unconditional worth, since it is not the sort of thing that is the ground of worth. Its worth is conditional on that worth being conferred from outside – by the law. But, it is clear that the legislator of that law must have a worth that is *not* conditional on anything else (for otherwise it must be conditional on itself, since all conditioned worth is conditioned by the law). So, the law -- and legislation itself -- has unconditional worth, and rational nature must therefore have this worth since it is legislative of that law. Says Kant,

> …that which constitutes the condition under which alone something can be an end in itself has not merely a relative worth, i.e., a price, but has an intrinsic worth, i.e., a dignity…Hence, morality and humanity, insofar as it is capable of morality, alone have dignity.[44]

Peoples' humanity – specifically, their capacity to be moral creatures -- and morality itself, are the two things alone that have dignity and a "worth beyond price", since it is under the condition of being able to be moral (in Kant's terms, to be legislators of the moral law to which they are at the same time subject) that human beings are ends in themselves. It is the law, and our natures as legislators of it, that alone have unconditional worth.

Thus, respect for the law segues naturally into respect for those things that legislate that law, since respect in both cases recognizes the worth inherent in both. Says Kant,

[44] *Ibid*, pp. 40-41.

> …our own *will*, insofar as it were to act only under the condition of its being able to legislate universal law by means of its maxims – this will, ideally possible for us, is the proper object of respect.[45]

Thus, rational nature – or, more specifically, a will that can legislate universal law through its maxim-formation -- is the proper object of the sort of respect that Kant believes must be shown to humanity. This is because it is in this will that the worth of humanity resides – i.e., it is the source of the worth for which respect is a sort of esteem, and so it is the proper object of respect.

Because the proper object of respect must be something of unconditional worth (such as the law itself, or the legislative will), Kant's view has the peculiar consequence of identifying the object of respect as *abstract humanity*, or *rational nature*, or in some cases *the representation of the law itself in an individual*, rather than taking an individual as its object. Says Kant,

> …the will of a rational being, in which the highest and unconditioned good can alone be found. Therefore, the pre-eminent good which is called moral can consist in nothing but the representation of the law in itself, and such a representation can admittedly be found only in a rational being insofar as this representation, and not some expected effect, is the determining ground of the will.[46]

And in a footnote to this section,

> Respect is properly the representation of a worth that thwarts my self-love. Hence respect is something that is regarded as an object of neither inclination nor fear, although it has at the same time something analogous to both. The object of respect is, therefore, nothing but the law – indeed that very law which we impose on ourselves and yet recognize as necessary in itself…*All respect for a person is properly only respect for the law (of honesty, etc.) of which the person provides an example*…All so-called moral interest consists solely in respect for the law.[47]

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[45]*Ibid*, p. 44 (my italics).

[46]*Ibid*, pp. 13-14.

[47]*Ibid*, p. 14, Footnote 14 (my italics).

According to Kant, the highest good is to be found in the will that legislates universal law, and the only good that is unqualified is such a will insofar as it is always determined by that very law. Thus, the pre-eminent good is the representation of the law in a will that is determined by that very representation; a will that takes a representation of the moral law (and not some effect that it hopes to bring about by performing some action) as the determiner of what it wills (for example, a will that takes a duty of beneficence as the determiner of its will, rather than a good public image) is a good will, and the representation of the law in that will is pre-eminently good. Thus, respect "for a person" is not so much respect for them, but esteem for a worth in them that renders other things valueless in comparison. Respect for a person is respect for the moral law within them – and this means that it is respect for both (1) the capacity to legislate that is inherent in them, and (2) the representation in them of the moral law itself. Thus, I can have respect for you, fundamentally, as a person that has a rational nature. Or I can respect you as a moral agent in whom we find the moral law – I respect you, but the object of my respect is the moral law itself that you represent. I respect (for example) truth-telling, or beneficence, which are parts of the moral law, and I respect them as *represented in you as well*. Thus, when I say that I respect you, this is merely shorthand for respecting some feature in you, or fact about you, that has unconditional worth. It is shorthand for respecting the capacity to legislate moral law, or for the representation of the law itself.[48]

[48]Note Darwall's use of this Kantian idea when he grounds appraisal respect for persons in their representing some feature for which we have recognition respect.

Thus, Kant's theory has the consequence of identifying the proper object of respect as being a feature or fact about rational creatures (and rational creatures only). This seems peculiar for two reasons: (1) Unconditional worth seems to lie in abstract features of creatures, and it's not clear how it can then rest in the creatures themselves, and (2) Unconditional worth is to be found only in very specific types of creatures. Are these peculiarities particularly troubling? I believe that they are.

Section 3: Two Problematic Peculiarities of the View

As far as peculiarity (1) is concerned, many might think that this is not a particularly troubling result. After all, it does not seem wholly bizarre to point to features of things (people, objects, experiences) as the sources of their value; what's more, grounding the value of something in its features by no means implies that the thing itself has no value – its value is simply derived from certain facts about it. In other words, something has value/worth *in virtue* of the sorts of features that it has, and not purely in and of itself. This, of course, makes a certain amount of sense. If I am trying to ascertain the value (or worth) of something, I will of course attend to certain value-conferring features that it has, and it is attention to these features that will help me discover its worth. How else might something have/acquire value, except by having certain value-conferring features? For example, my sweater does not have value simply because it is a sweater. It has value because it has certain features: it keeps me warm, it has a pretty color, it fits well, etc. These features are what give my sweater its value, and it would seem nonsensical to insist that the sweater just has a value qua sweater. After all, *being a sweater at all means having certain sweater-making features*, and it does not seem odd to

point to these features when trying to ascertain the sweater's value. It is not a sweater at all save for having these very features – so where else will the value of the sweater be found, except in the features that make this conglomeration of yarn a sweater?

Furthermore, it does not seem too bizarre to assume that the same holds true for things that are not merely instrumentally valuable (as one might classify the value of a sweater) – one might claim that health has a value, and part of that value is value in itself. In other words, it is just good to be healthy. But this, again, is presumably because there is something good about being healthy – it is a good way to be, because of what it *means* to be healthy (everything is working properly, there are no major defects in the way your body works, etc.). One might argue that insisting on finding value in something, qua that thing (or to find value in it *simpliciter*) is wrong-headed; that is just not how value works, and if an object is valuable, there will always be some feature of the object that grounds (or gives rise to) this value.

Considerations of the source of value are very difficult, and give rise to a host of very thorny issues – I wish to sidestep those issues here. No matter how we resolve these issues, however, it is important to notice two things: even if value always resides in some feature of an object/creature, a Kantian-style insistence on resting claims to respect/moral consideration on those value-conferring features can be dangerous. People lose features (or some creatures never have them) and if the obligation rests entirely on something's having that feature, those without that feature are left out of the strictest moral sphere (this, if you remember, is peculiarity (2) of Kant's analysis of respect from above). No matter how we convince ourselves we need to treat those creatures, they are without a very important grounding for "worth beyond price", which is the only thing that sets

unconditional and absolute limits on what I can do to certain creatures. And this leaves those creatures somewhat "in the cold".

Second, notice that one of the curious things about a view upon which value resides in features is our sense that we owe consideration to creatures *themselves*. No matter what gives rise to value, no matter how we resolve the issues above, the fact still remains that practical morality does not seem to be concerned solely with abstract features and facts; it seems also (and largely) to be concerned with taking care of creatures, of organic wholes that are somehow morally considerable. On the sort of view outlined above, creatures take a backseat to certain abstract facts and features, and morality seems concerned only with these. Morality seems to be some sort of fact-checking exercise, upon which we scan objects and situations for certain abstract facts and adjust our behavior according to them. On this sort of view, it seems that all we need to do is to scan a situation for the salient fact, and do what our theory tells us must be done in light of that fact. On this sort of view, morality seems not to focus on certain people/creatures, but on facts about them, and doing "the right thing" consists in correct attendance to these facts. This seems to get something wrong. But what does it get wrong?

Consider an analogy with love[49]. When I say to you that I love my friend Adele, you might be tempted to ask me why. And I might even respond to that question by listing certain features that Adele has: she is sweet, kind, smart, talented, and strong. However, even though I have given you a list of features that I am drawn to in Adele, it is not clear that I have explained why I love her. Sure, I am aware of all these facts about Adele, and I like them about her, but when she fails to display any one of them, my love

[49]Thanks to C.D.C. Reeve for this suggestion.

for her does not diminish. In fact, even if one were to strip away all of these features, it may still be reasonable for me to say that I love Adele. Despite the fact that there are many things that I love *about* Adele, these things simply do not completely encompass my "love for her", and my love for her seems to not really be exhausted in a list of her qualities. I love her, and her qualities are not ultimately the point; her qualities are not the final and exhaustive reason for the love that I have for her.

Analogously, it seems that respecting a creature stands in the same relation to the creature and its features as love does. It is not a list of features that I respect, but a creature that has them. Creatures are not just containers for morally considerable facts – they are morally considerable themselves.

Section 4: Peculiarity One and A Parallel With Utilitarianism

A standard critique of utilitarianism[50] is that it forces us to view people as merely containers for something of value, namely pleasurable sensations, etc. One of the positive features of the so-called "utilitarian calculus" is that every person counts for one and only one, that is, every person's pain and pleasure is the same. However, this has the unfortunate consequence of allowing us to conceive of people as interchangeable, as not unique. Considerations of justice, some have argued, fall by the wayside when one is a utilitarian precisely *because* one person is the same as any other on the view. If what matters is making as many people as happy as possible, one person's pain counts merely as "pain-to-be-weighed", and not as *my pain*, or *my mother's pain*. Thus, if the most happiness will result from this small amount of pain being allowed, *whose* pain it is does

[50]Given (for example) by Tom Regan in *A Case for Animal Rights*. See: Regan, Tom. *A Case for Animal Rights*. Berkeley: University of California Press, 1985.

not matter. And while this is a positive feature of the view (all are equal), it also has the consequence of treating individuals as "mere numbers". Value is found in happiness (and in the absence of unhappiness), and people count only as "feelers of happiness". They are containers for something of value (or they produce/generate something of value – for example, they feel pleasure, and so are generators of what is of value), and are not of value in and of themselves.

Of course, there are many ways to be more precise about one's utilitarianism, and say that it is "the happiness of people" that counts, where happiness is conceived robustly enough that it is tied closely and inextricably to people-as-wholes. However, it is interesting to note that where utilitarianism has a reputed weak-point, (i.e., because of its value-theory, people can be seen as mere containers of, or mere sources of, what is important) Kantianism has an analogous weak-point. For (as discussed above) it seems that when we try to determine what qualifies a creature as "to be respected", any attempt to ground that requirement has the consequence of ignoring the creature as a whole, and isolating parts of it as meeting some criteria for regard. It seems that if we are trying to find a *reason* to insist that creatures must be respected, any reason that we find will appeal to some feature (considered in the abstract) that the creature possesses; and so any attempt to ground respect will have the consequence of identifying proper objects of it as abstract facts and features. Or, at the very least, our obligations will be dependent on the presence of that feature. This is a problem analogous to identifying certain sources of value (as one does on a utilitarian view), and seeing "right action" as an attempt to maximize them. Both projects have the consequence of leaving creatures-as-wholes out of the picture, and focusing instead on certain features that they have.

But why should this be troubling? Surely any attempt to devise a theory of right action (or an account of respect, etc.) is going to involve abstracting from particulars, and this will leave us with an account that focuses on the abstract. Why think that there is anything particularly troubling here? The reason this seems troubling is that in trying to explain morality in this way, we lose some of the force of moral motivation – i.e., taking care of individual creatures. Just as in the case of love, it seems that morality is not a matter of scanning things for relevant features and acting accordingly. It is a way of relating to creatures as a whole. Loving them, respecting them, acting rightly in relation to them – all this, one might say, has to do with them as particulars, and not as bundles of abstract features. Especially in the case of love and respect – which are ways of orienting oneself to other things, and are important attitudes that drive behavior – it seems wrong-headed not to conceive of the objects of those attitudes as unique particulars.

But, again, it seems that it would be difficult to explain why orienting yourself to certain creatures is required *without* picking out certain features that they possess. Why do I love Adele? Well, one could argue that I have no *reason* to love her, independent of certain features about her that I love. But, even if I were to conceive of loving her as an orientation to her as "just Adele" (as discussed above), and say, "Well, I don't need a reason, I just love her", a parallel claim could not be made in the case of respect (or in the case of why I have to behave in certain ways towards her). Love is not *required* of me – loving Adele as Adele is clearly not something I am rationally required to do. However, respecting her as a person, acting in morally right ways as regards her – these things are clearly required of me (as I am conceiving of them in this paper). Because loving a

particular person is not required[51], it seems at least reasonable to claim that I need provide no reason for that love. However, since respect and morally right action are *requirements on me*, it seems that I *do* need a grounding reason for why I must have that regard, or act that way, etc. And, again, providing those sorts of reasons will inevitably lead me to abstract facts and features. Providing reasons for the requirements of respect and morality, it seems, is an enterprise that pulls away from our sense of what we are really doing when we respect, or act morally – i.e., it pulls away from taking care of particular creatures in particular situations.

Is this a serious disconnect? One might say, "No". One might say that when we are grounding practical requirements in theory, this sort of disconnect is inevitable. However, I think that we should take seriously the price that we end up paying. Our theoretical understanding of what we are doing in the practical realm (of what respect is, of what moral action is, etc.) seems to be unable to truly focus on particularity, seems unable to have as its objects the very things that are of practical importance to us. The question, then, is, "Can the reconnection be made between the objects of respect and consideration in our theoretical understanding, and the things that we are really concerned about in our practical endeavors?"

Even if this reconnection can be made, however, it still seems as if the disconnect can have counter-intuitive results for the moral theory that emerges. In the case of utilitarianism, for example, even if the utilitarian can show us how a utilitarian really cares for *people as wholes* and for *their* happiness, even if the utilitarian can explain how a theoretical emphasis on happiness and pleasure results in a caring orientation towards

[51]I am ignoring the claim – made by some – that we must "love all humanity". When we look closely at this claim, it is clearly not an admonition to love all people the way that we love our friends. It more closely resembles a claim that we should *respect* all of humanity.

creatures that feel those things, even if this can be shown, it still seems that selecting the abstract features of happiness and pleasure as the sources of value has counter-intuitive results for the theory. Since the ground of right action is a concern that happiness and pleasure be maximized, and since those things alone are what is valuable, the *people who feel them are secondary*. If it is happiness that matters, then my happiness counts as happiness *simpliciter*, as a general bit of well-being that counts in the balance. It does not count *as mine*, and in fact, on a utilitarian view, the importance of the fact that *I* feel it is secondary to the fact that there is a bit of it out in the world that matters, and that that bit of it counts as a bare bit of happiness. This is *not* to say that I don't count or matter at all – I have to exist in order for there to be this bit of happiness at all. However, the fact remains that I am not the primary consideration in the utilitarian's moral reckoning – the primary consideration is something that I feel, something that I experience that is of value, and this experience counts because it alone has value, and not because of me. In fact, I count only insofar as I can feel this thing of value. The ground of right action, then, is something of value that creatures feel; but it is what they feel, and not the creatures themselves, that constitutes that ground, and the creatures themselves are secondary to the ground that is primary. And even if the utilitarian can show us *how* this ground connects back up with particular creatures, the fact remains that on the theoretical level, happiness and pleasure are valuable wherever they occur, and equal bits of it are equally valuable. So there is a sense that who it is -- *in particular* – that feels the happiness/pleasure is unimportant. The creatures that feel these things are interchangeable, substitutable, merely vehicles for these sensations – on the theoretical level, at least.

Of course, this sort of egalitarianism is a large part of what is good about utilitarianism; however, this egalitarianism leads us to a sense that people can be traded off. People are interchangeable and lesser amounts of pleasure/happiness can be traded off for greater amounts. As discussed before, one well-known critique of utilitarianism – that the view can require us to commit "injustices" if the consequences are good enough – arises from this very feature of the view. And this feature seems to be a result of the disconnect that we have identified at the theoretical level – i.e., the disconnect between the specific abstract features and facts that utilitarians use to ground the theory, and the particular creatures that we want to take care of. The fact remains that on such a theory, the theoretical structure will lead to counter-intuitive cases precisely because this disconnect occurs, no matter what attempt is made to connect the theoretical with what we do in particular cases.

For example, one can think of cases in which a utilitarian is obligated to let one person die in order to save several others. John Taurek, in his 1977 article, "Should the Numbers Count?"[52] considers the case (originally presented by Phillippa Foot) of a life-saving drug that can either be administered to one person in order to save his life, or divided in fifths and administered to five people in order to save their five lives. Taurek wishes to explain why it shouldn't matter that five people rather than one can be saved if one opts for the latter distribution – his claim is that the sheer numbers don't matter. His arguments are more complicated and subtle than I have room to discuss here; for the purposes of this paper, what is important in his discussion is the fact that utilitarians will have to claim (given their maximization principles) that the drug should be administered

[52]Taurek, John M. "Should the Numbers Count?" *Philosophy and Public Affairs*, 6.4 (Summer, 1977): 293-316.

to the five. The overall balance of pleasure and happiness over pain and unhappiness that will result with the saving of five lives will be greater than the balance of pleasure and happiness over pain and unhappiness that will result if we save just one person. Because utilitarians are committed to maximizing pleasure/happiness, they will, naturally, choose the scenario in which more people are saved – not because more people are saved, but because more happiness and pleasure will result from such a scenario. A utilitarian must save the five lives because there will be more creatures that *feel* happiness and pleasure that are saved. Despite the fact that we can describe this scenario as saving five lives, and thus perhaps as a scenario in which we are *valuing* five lives over one, the fact remains that the five lives must be saved *because* they are lives that produce happiness. It is the happiness that has value, and it is because of this happiness that we must save the five lives.

Taurek's argument in this paper suggests an alternative way to consider cases where there are trade-offs. Taurek argues that there is something quite wrong-headed in looking at the situation as the standard utilitarian does; viewing the situation in this way requires one to assume that it is just somehow better that five lives continue than that just one does. Taurek does not grant this assumption; he argues that we can't evaluate the situation as if it were just objectively better that five people continue to live than that only one does. Each of these people has a life that is important to her, and each person places an incredible amount of value on the continuation of the life that she is leading. Each person, says Taurek, loses something equivalent when she dies. So it is not as if *more* is lost when five people die – the same thing (an equivalent thing) is lost by each person who dies in this scenario, and something just as valuable is lost on each distribution. It

just happens to be lost by more people in one distribution than in the other; and so the numbers don't matter in the sense that there is more of value lost in the one case than in the other. A standard utilitarian will argue that we can trade-off one person's pain for a greater amount of pleasure -- what matters, in the final analysis, is the balance of pain and pleasure that we are left with. However, Taurek argues that we cannot just blithely trade off pains and pleasures; these things *attach to individuals*, and their value is value *to an individual*. His arguments mainly concern what sorts of decisions are permissible in trade-off cases, but his line of argument at least suggests a way in which utilitarianism seems to be counter-intuitive. The reasons that utilitarians most commonly give to ground the requirement to save five lives over one are reasons that ultimately appeal to value accruing *over and above the individual*. The value that the utilitarian aims to maximize is an aggregate of what five individuals feel, and this abstraction from the individual is precisely why it makes sense (to the utilitarian) to think of this situation as preferring a greater outcome to a lesser one. But it is precisely because the abstraction that the utilitarian does seems to leave the individual out of the calculus that it is troubling – if this is true, it is not his life that has value. His life has value because it is likely to produce something of value, namely happiness/pleasure. And because the value of his life derives from this likelihood, his pleasure can reasonably be seen as just a piece in an aggregate – the fact that he feels it is irrelevant, since it is just a piece to be added to the scales. And because it is not *his* in the calculus, there is a sense in which he is not a robust part of the calculation – "he" has been abstracted into a weight added to the scales (and necessarily so, on this view), and so is equal to any other such weight that might be added or subtracted. And precisely because of the *theoretical* abstraction that is

necessary to ground utilitarianism, when we attempt to put theory into *practice* the abstraction lingers in how we view the relevant factors of the situation.

And, as discussed above, there is an analogous problem in Kantianism, although it is an importantly different problem in the case of Kant's theory. Kantian views are notable for showing why the trade-offs allowed on a utilitarian view are unacceptable. According to Kant, people are remarkable for being the sorts of things that *cannot* be traded off -- they have no price, and must always be treated as ends-in-themselves, never as a means to some good consequence. There are limits on how we can treat people, and these limits prohibit treating anyone as a mere tool or vessel. In this way Kantianism avoids many of the pitfalls of utilitarianism; however, as we have seen, the Kantian still identifies the source of value as an abstract feature about creatures. Thus, even though Kant's theory is designed to avoid tradeoffs by seeing value as conferring a certain kind of status (i.e., creatures with rationality are not to be treated in certain ways), rather than seeing it as something to be maximized or promoted, its identification of value still raises similar problems. And, as with utilitarianism, it seems that even if we find a way to connect the theoretical grounding back up to particular creatures, the disconnect will leave an imprint on the theory.

One attempt to connect the grounding back up to particular creatures on a Kantian theory might be this: one could claim that the Kantian insistence on treating people as ends-in-themselves incorporates a concern for people's individuality when put into practice. That I must treat you as an end means, in part, that I must take your plans, your ends -- *your* rational life -- seriously. I must not attempt to use *you* in ways that treat you as a means and that ignore your dignity – and this in part means that I must not use/treat

you in ways that thwart your particular rationality (your projects, your pursuits, etc.). It also means that I must not treat you in ways that you, as a rational legislator yourself, would not legislate as law. As a member of the kingdom of ends – a kingdom of rational legislators legislating the moral law – I must only act in ways that I would will all other members of the kingdom to act, and that they would all will me to act as well. This, it seems, takes into account one's particularity. I must not abuse/ignore your particular dignity, while still grounding this requirement in an abstract feature (namely, the fact that you are rational).

Why does this not solve the problem? It does seem to solve *part* of the problem, at least – the problem that was identified on the utilitarian view does not seem to arise if we look at things this way. Because Kantianism is concerned with limits, with conferring status, the worry that people as individuals get lost on the theoretical level doesn't arise in the same way. It seems quite reasonable to say that it *is* my rationality that is being respected/countenanced on the theory, and not just some sort of abstract rationality. And this is precisely because *my* rationality cannot be traded off for others, and it is not the case that a Kantian analysis just aims to balance certain amounts of it. Rather, the Kantian view ensures that all instances of it are treated as priceless, as requiring the same sorts of constraints on behavior, no matter what. However, a different problem arises, and this problem is not trivial.

The only reason my projects, my plans, my pursuits matter at all on this view is because they are the plans of a certain kind of creature. Given the grounds of worth and dignity that Kant identifies, these things matter only because I am a rational agent, because my plans are the plans of a rational agent. Given the way that Kant grounds

morality, the only thing that can possibly qualify one for consideration at all, the only reason that one need be taken account of, is because one has this feature.[53] Ultimately, on this view, any attempt to ground requirements of respect leads one to rationality as the important feature of persons, the thing that pulls them into the moral sphere – and so it is rationality that is primary, and creatures that have it must be treated in certain ways because of it. These ways, though, are ultimately justifiable only in reference to the abstract feature of rationality that these creatures possess. Creatures aren't the primary objects of respect – their rationality is. In other words, *I* don't matter. Rather, my rationality counts, and so everything that that rationality involves (my plans, my pursuits, etc.) count too. I need to be treated in ways that respect my rationality (or in ways that I would will others treat me, as a rational agent). However, rationality is the primary concern in the moral response, and the creature is only of secondary concern (i.e., it is not the creature at which we direct such responses, it is not the creature that has the value to which we are responding, it is this abstracted feature). If I were to lose my rationality, then the way people orient themselves to me will change. It is not *me as a creature* that counts. It is me as a rational agent that counts, and my individuality only counts insofar as it is infused with rationality.

Now, some might argue that there is really nothing at all to one's individuality *without* rationality, so nit-picking about whether one's individuality *just counts* is wrong-headed. Some might argue that all there is to being a person at all is just the feature that Kantianism picks out as the one that counts, as the true object of our consideration. However, the fact remains that on this view, it is a fact about me (the fact that I am

[53]As has been discussed already in this paper, Kant has a complicated account of value and morality that provides one with strong reasons for thinking that this feature is paramount in morality and value-ascription – see the above for a summary of this account.

rational) that qualifies me as eligible for moral consideration/respect. Any individuality I have only counts as an individual instance of *rationality*; my other particularities (over and above the bare fact of my rationality) matter only insofar as they are expressions of this abstract feature that counts.

Section 5: Peculiarity Two

Although I have been focusing, up to now, on what I identified as peculiarity (1) of Kant's view (namely, that unconditional worth seems to lie in abstract features of creatures, and in no clear sense in the creatures themselves), a little more needs to be said about peculiarity (2) of the view (namely, that unconditional worth is to be found only in very specific types of creatures). This, of course, is a natural result of peculiarity (1), and one might reasonably say that this is not so much a *peculiarity* of the view, as it is just a natural consequence of any view that attempts to delineate a moral sphere. However, the reason this is troubling in the Kantian case is that on such a view (and because of peculiarity 1), creatures are left out of the moral sphere that we intuitively consider ourselves to have responsibilities towards. If rationality is the thing that qualifies a creature for moral consideration, and if respect is only properly owed to rationality, what is to be said about people who are severely brain-damaged, people who are in persistent vegetative states, or about non-human animals? They don't seem to have the requisite feature (rationality), and so on this view they don't have the status necessary for them to be "above price".

Consider the case of a person who has lost most of her mental faculties to senile dementia. In a very real sense, such a person is no longer fully rational. One might argue

that such a person was, formerly, fully rational, and so our sense of responsibility is to this "former self". But if this is true (and I will discuss later why this is not a satisfactory answer), what are we to do about an infant born with severe brain damage? Such a child was never fully rational, and will never be fully rational; how can we ground our intuitive responsibilities to such children? Or consider the (more controversial) case of non-human animals. It is plausible that we have some responsibilities to such creatures (we must not torture them for no reason, etc.); however, on a Kantian view, such animals (since they are not rational) are not ends-in-themselves and do not have a worth beyond price. They are merely instrumentally valuable; their worth derives solely from use that can be made of them by others, and such worth is not worth as an end. Given this fact, it seems that any responsibility we feel towards such creatures is not responsibility *to them* (since they are not the sorts of things that are morally considerable as ends), but derivative responsibility in some way. This puzzle, ultimately, is related to the first puzzle/peculiarity that was discussed above – if the Kantian is going to explain responsibilities/duties/requirements of respect to creatures that are not fully rational, she will have to do so in a roundabout way. The responsibilities cannot be cashed out in terms of a requisite feature (for they do not have it), but in reference to those who do have the requisite feature.

When trying to ground respect/moral consideration, then, the reasons that we give don't seem to match what it is we take ourselves to be doing in the practical realm. When attempting to explain what sorts of responsibilities we have to non-human animals, severely brain-damaged children, and adults in the grips of senile dementia, the Kantian *must* give a grounding that recognizes the value of such creatures in relation to creatures

that have value as ends-in-themselves. Thus, the grounding will have to be indirect, and so our responsibilities, too, will be indirect. Just as it seems that respect is directed towards one's abstract rationality when one is a rational creature (and not towards oneself), explaining responsibilities towards this other class of creatures is also not properly directed at them as an object. The story that the Kantian gives about why we must behave towards them in certain ways will ultimately be a story about *rational creatures*, and will only indirectly be a story about this other class of creatures.

Why should this second peculiarity bother us? It seems that the utilitarian, who had a parallel problem in the case of peculiarity (1), has less of a problem with peculiarity (2). Because the utilitarian has set the bar reasonably low for what matters morally (she wishes only to maximize/promote pleasure over pain), anything that is the source of this value is going to be considerable as a source of value. Almost every sentient creature is going to be a source of what matters to the utilitarian, and so almost every sentient creature is going to matter to the utilitarian (at least, is going to matter in the way described above). Whatever problems will arise for the utilitarian from peculiarity (1), the general low-bar egalitarianism of the utilitarian will protect her reasonably well from the bothersome outcomes connected with peculiarity (2).

However, the Kantian view seems unable to escape it, and this new sort of problem is again symptomatic of the disconnect that occurs at the theoretical level. Because the Kantian view is not a maximization/promotion view, but rather is a status-recognizing/respecting view, the moral sphere will indisputably leave those lacking certain robust features right out of the sphere. There are thus two problems lurking in the sort of view that the Kantian puts forth – the problem of respect being aimed at features

and not creatures, and the problem of restricting that feature to something as high-bar as rationality. Can an alternative view, that avoids both of these problems, be found? Is any attempt to ground our moral responsibilities inevitably going to run into one or the other of these problems?

Section 6: Kantian Solutions to Peculiarity Two – Thomas E. Hill, Jr.

Kantians, recognizing these problems, have tried to give a satisfactory (and in some cases, less indirect) account of our responsibilities to less-than-fully-rational beings. One of these responses, offered by Thomas E. Hill Jr., in *Respect, Pluralism, and Justice: Kantian Perspectives*[54], draws on a very particular reading of Kant's *Groundwork* – this reading emphasizes Kant's fourth formulation of the categorical imperative, known as the Kingdom of Ends formulation. Before we look at Hill's solution, let us first examine this formulation and the implications one might think that it has.

The Kingdom of Ends formulation of the categorical imperative stresses the fact that all rational beings are legislators of a moral law to which they are themselves subject. According to Kant, since every rational being must consider himself as one who legislates universal law, he must also consider himself as part of a "kingdom" of other rational beings who are also legislating universal law; thus, when a rational being wills his maxims, he must only will what can be willed such that it would be consistent with the universal-law willing of all other members of that kingdom. (This is just another way of saying a rational being ought only to will what can be a universal law for all other rational beings who are also self-legislating – i.e., one must not act in ways that others

[54] Hill, Thomas E., Jr., *Respect, Pluralism, and Justice: Kantian Perspectives*. Oxford: Oxford University Press, 2000.

who are also trying to will universal law would not accept. This, in turn, is just a broader scope of the universal law formula, in which the co-legislating activity of all other rational beings is taken into account as authoritative.) Says Kant,

> This legislation must be found in every rational being and must be able to arise from his will, whose principle then is never to act on any maxim except such as can also be a universal law and hence such as the will can thereby regard itself as at the same time the legislator of universal law. If now the maxims do not by their very nature already necessarily conform with this objective principle of rational beings as legislating universal laws, then the necessity of acting on that principle is called practical necessitation, i.e., duty…The practical necessity of acting according to this principle, i.e., duty, does not rest at all on feelings, impulses, and inclinations, but only on the relation of rational beings to one another, a relation in which the will of a rational being must always be regarded at the same time as legislative, because otherwise he could not be thought of as an end in himself. Reason, therefore, relates every maxim of the will as legislating universal laws to every other will and also to every action toward oneself; it does so…from the idea of the dignity of a rational being who obeys no law except what he at the same time enacts himself.[55]

Here, Kant claims that one of the grounds of a rational being's duty to other rational beings is the recognition that the others are equally co-legislators of the universal law, the law to which they all subject themselves in the kingdom of ends. Duty rests on the relationship they bear to each other as co-legislators of the moral law; it is only as co-legislators of a moral law to which they are themselves subject that they are ends in themselves (as discussed previously), and every rational being must respect all others as being a part of this "autonomous legislating body" in the kingdom of ends.

Now, it is again clear from this formulation that Kant views the ability to be an autonomous moral self-legislator as a trait essential to the possession of dignity. This fact, again, is the source of peculiarity (2) as described above – Kant explicitly excludes those incapable of autonomous moral self-legislation (for example, those who are

[55]Kant, Immanuel. *Grounding for the Metaphysics of Morals* (in *Ethical Philosophy*. 2nd Edition. Trans. James Ellington). Indianapolis: Hackett Publishing Company, 1994, p. 40.

severely brain-damaged, those who are in a persistent vegetative state, and nonhuman animals) from any claim to dignity. Furthermore, what Kant says about dignity and its relation to value does have implications for the way in which anything that is non-rational must be viewed. According to Kant,

> Now morality is the condition under which alone a rational being can be an end in himself, for only thereby can he be a legislating member in the kingdom of ends. Hence, morality and humanity, insofar as it is capable of morality, alone have dignity…Neither nature nor art contain anything which in default of these could be put in their place, for their worth consists…in mental dispositions…[and] the worth of such a disposition can be recognized as dignity and puts it infinitely beyond all price, with which it cannot in the least be brought into competition or comparison without, as it were, violating its sanctity…Rational nature is distinguished from the rest of nature by the fact that it sets itself an end…There follows also that his [a rational being's] dignity (prerogative) of being above all mere things of nature implies that his maxims must be taken from the viewpoint that regards himself, as well as every other rational being, as being legislative beings (and hence are they called persons).[56]

Here, it is clear that Kant considers moral co-legislation, as well as the ability to set ends, as defining factors of rational natures; rational natures alone can have dignity and are to be seen as ends in themselves. Obviously, those who are incapable of setting ends and legislating universal law (as are those who are severely brain-damaged, for example) do not qualify as such beings; and this is a problem because it seems as if end-setting beings alone (i.e., rational natures which are ends in themselves possessed of dignity) have a value that is beyond price – only such natures have a sanctity that must not be violated by weighing them against other goods or ends. It is clear, then, that on Kant's view, only rational, self-legislating, moral creatures are above price – only they have a value that cannot be weighed and traded. This is troublesome when we consider the fact that Kant believes rational beings alone are above the "mere things of nature"; if

[56]*Ibid*, p. 40-43.

this is the case, and if only things considered as ends in themselves have a worth beyond price, then the treatment of those who are not rational seems to be something that cannot be evaluated on the same terms as the treatment of rational beings. Those who lack the robust sort of rationality that is required for dignity are *not* above price, and so the dignity of a creature whose worth cannot be traded on (and the respect owed to them as such) is denied to those who lack this feature. The problem here is not only that such beings are not above price – it seems as if, on Kant's theory, they can only be considered as *having a certain price* (i.e., as being means to achieving our ends). With what moral status does this leave creatures that are not robustly rational in this way?

The Kantian can reasonably respond by pointing out that having a claim to dignity, having a worth beyond price, is not the only thing that matters when one is considering one's moral duties – the claim is clearly *not* that our duties do not involve any creatures except for creatures with dignity. Surely the fact that certain people, or other creatures, lack the feature requisite for dignity/respect (the ability to autonomously self-legislate morality) does not preclude *kind treatment* of them. One needs to be careful not to read too much into the special status that Kant affords to rational creatures, the Kantian can respond. The claim is not so strong as to completely rule out any responsibilities regarding anything that does not have this status. This status, for Kant, is what grounds duties of respect, but identifying such status is a far cry from saying that any creature that lacks that status is worthless and need not be considered in our moral deliberations.[57]

[57]Kant himself specifically explains duties regarding non-human animals as indirect duties to humanity. I will not discuss this here, but it is important to note that this is an account that attempts to establish that there ***are*** duties regarding non-human animals, even if they are not duties to them.

Hill's account emphasizes just this point. He attempts to solve the problem of the moral status of those that are not fully rational by taking advantage of the very formulation that seems to leave them out in the cold – the Kingdom of Ends formulation. According to Hill, we can think of the kingdom of ends (in which all are seen as co-legislators of a moral law to which all are subject), and of the Kantian framework generally, as being a way of saying that moral principles are just those principles that all rational people would endorse, having taken up the moral point of view. Says Hill,

> The basic idea is that, for purposes of thinking about what particular moral principles we should endorse, how they are to be interpreted, and what exceptions should hold, we can appropriately think of moral principles as principles that all *reasonable* human beings would accept, as justifiable to themselves and others, under certain ideal conditions…A key stipulation is that each person, in reviewing possible moral requirements, must acknowledge that, ideally, every person subject to the requirements shares equally the authority to make and interpret them. Everyone is, as it were, an equal co-legislator in what Kant calls 'a kingdom of ends'…That is, they are seen as, ideally, the joint authors of principles that trump the policies that *otherwise* they might adopt to satisfy their personal desires.[58]

The idea here is that the fundamental notions of the Kantian framework are those that establish the moral co-legislation of autonomous rational (or reasonable) agents who bind, and are bound by, the laws they all would agree to under ideal conditions of moral deliberation. This is the fundamental Kantian idea, and it is from this notion, Hill argues, that a robust notion of how we ought to treat those who are *not* fully rational can arise.

According to Hill, the fact that humanity (i.e., the ability to autonomously morally legislate) is the source of all moral duties/requirements of respect does not entail that we have no duties regarding animals, or that those duties hinge on facts about ourselves that, if they were to change, would obliterate or change the content of our duties. Says Hill,

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[58]Hill, Thomas E., Jr., *Respect, Pluralism, and Justice: Kantian Perspectives*. Oxford: Oxford University Press, 2000, pp. 96-97.

> If, as most of us believe, there are good reasons to deplore and prevent the needless suffering of animals, one should not assume, without further argument, that our reasonable Kantian moral 'legislators' are precluded from taking these considerations into account and setting their moral standards accordingly. Some ways of expressing such reasons, admittedly, are incompatible with Kantian value theory, but we are not restricted to these. The crucial point to remember in debates on this issue is that the fact that only human beings have moral duties (and the capacity to determine specifically what their duties are) does not entail that they can reasonably ignore the miseries of the beings who lack the capacity for morality but who nevertheless suffer in many of the ways that we do.[59]

Here, Hill claims that, given the fact that morality arises from the ideal deliberations of reasonable human beings, and given the fact that, on the whole, people do think there are good reasons for not allowing the mistreatment of animals (and even for preventing their pain) it is reasonable to assume that the moral principles that arise from such beings' moral deliberations will involve quite robust prohibitions against the mistreatment of animals. (This argumentative framework can also explain duties to human beings that fail to be a part of the kingdom of ends because they lack the requisite rationality – those that are brain-damaged, etc. The question, when considering human beings like this, is "What would it be reasonable for us to legislate regarding these people?" And our sense that we need to have strict prohibitions on mistreatment of such people will derive directly from our deliberations concerning what we would want done to us if we were in their place.) According to Hill, then, the fact that we are the only creatures that have duties/dignity/a claim to respect (since we are the only ones that are moral, and are the *source* of morals), it does not follow that we can reasonably turn a blind eye to the suffering of nonrational, nonmoral creatures with whom we can sympathize.

[59] *Ibid*, p. 103.

Section 7: Some Problems with This Solution

This line of argument seems intuitively appealing, but there are some problems with it. First of all, as Hill notes, there are certain ways of formulating our reasons for not wanting to ignore the suffering of animals that are not consistent with Kant's value theory (for example, one could not claim, on a Kantian theory, that pain is bad in itself and should be minimized). What ways could there be of formulating those reasons that would invite universal agreement and that would be in line with a Kantian approach? Perhaps we could argue that it is not reasonable to allow certain treatment of creatures that we would not tolerate when directed to human beings, given that human beings are similar to those creatures in their ability to feel pain, etc. – but on what grounds is it not reasonable? According to Kant, what is morally reasonable is what does not fail any tests of the categorical imperative. Ignoring the pain of those who suffer like us, but who are not members of a society (of a kingdom of ends) fails none of these formulations (it does not involve a contradiction in conception or in the will, it does not fail to treat humanity as an end, it does not fail to accord with the connected system of ends in the 'kingdom of ends'). Therefore, the claim that it is not reasonable to be morally indifferent to the suffering of nonrational beings does not seem to have a purely Kantian foundation. Rather, it seems to rest on what inclinations or desires would not be served by such indifference (it would not be in accord with our reasonable desire to not let animals suffer). But what *reasons* could be given for deploring such indifference?

It seems as if the reasons we would have to give here are reasons such as, "We wouldn't like it if we were treated in such ways", or, "It would be horribly upsetting to a

certain *rational being* (for example, to a child's mother, to a cat's "owner", etc.) if we treated the *nonrational being* in such ways." Such reasons would be the sorts of reasons that reasonable people in a legislating kingdom of ends would endorse – we would, of course, not wish to legislate morality in a way that would leave creatures we cared about (or creatures we might *become*, as in the case of those who are in persistent vegetative states, or in the case of the hopelessly senile) out of the moral realm completely. However, in order to explain why indifference to the suffering of a creature like this is wrong – a creature who, lacking the requisite feature, has no non-instrumental value -- we are forced to reference something that *does* have non-instrumental value. And the only possible source of this sort of value, on a Kantian view, is rational nature. It seems, then, that since the feature that qualifies a creature for respect is the only feature that confers worth of this kind, it is only in reference to creatures that have this feature that we can explain moral responsibilities. Any attempt to use the Kingdom of Ends formulation to explain why we would legislate moral rules concerning creatures that fall outside the scope of direct moral duty and respect will ultimately have to give reasons that reference rational beings. Otherwise, there would be no reason to legislate concerning these creatures.

The reason this does not to solve the deeper problem is that, ultimately, the nonrational creatures *about* whom we legislate are not directly morally considerable. The only reason that moral rules will be generated concerning them is because those who make the rules care about them, or can imagine being them at some point, and wish to take care that they not be mistreated. However, this means that any "moral protection" that they receive is contingent on rational creatures caring about them, or deciding to

legislate concerning them – this is not as much falling inside the moral sphere as it is being *allowed* in. The Kantian cannot give reasons why it is not reasonable to mistreat such creatures, nor can he give reasons for why failing to treat them in certain ways is a failure of respect. He can only give reasons for why it is not *reasonable for rational creatures* to do so, *given what they desire*. This is very different from the moral status of rational creatures – their status, that of having a "worth beyond price", affords such creatures the sort of respect that means that there are limits on how they can be treated *because of what they are*. However, the case is quite different when we turn to nonrational creatures. The limits on the treatment of nonrational creatures that rational creatures might delineate are *not* a reflection of some morally relevant feature that they possess. Rather, they are a reflection of certain desires that those who are morally relevant might have.

Thus, part of the reason that it is troubling that the Kantian identifies rationality as the feature that gives creatures moral status is that it sets up a moral system according to which those who lack rationality in the fullest sense are only contingently morally protected. It is counter-intuitive that a prohibition on torturing brain-damaged infants has anything to do with the interests of other parties – it seems that the prohibition rests in some way on something *about* the infant. However, the Kantian account just analyzed cannot give the prohibition such a grounding, and so even though the prohibitions that the Kantian generates will be exactly the ones that we think should hold, the grounding reasons for their existence seem wrong. What's more, part of the Kantian project is an attempt to pull away from the idea that our *interests* generate our moral responsibilities – his emphasis on moral self-legislation as the source of value, and his emphasis on the

attitude of respect that we need to adopt to such value, is expressly designed to lead morality away from our contingent desires/interests (note Kant's concern that morality be a system of categorical, rather than hypothetical, imperatives). It seems bizarre if, on a Kantian account, responsibilities that we take seriously end up resting on our contingent desires/interests. And it also seems counter-intuitive; one particularly positive feature of Kantianism is the absolutist flavor that the idea of respect introduces into the theory. Given the way that Kant views respect, and given the role that it plays in his theory, there are certain ways that rational creatures, given the value of what they are, must/must not be treated, and this generates very strong (and intuitively attractive) moral requirements. In particular, this feature of the view helps it to avoid the problem of trade-offs inherent to utilitarianism – however, this absolute flavor *has* to drop away as we move outside the circle of rational creatures, and thus a less serious light is cast on our responsibilities to those that are not rational.

Again, this version of the Kantian view seems unable to give a theoretical grounding that matches what we take ourselves to be doing in the practical realm. Again, it seems that not only is the grounding for the respect owed to rational creatures counter-intuitive, the case seems to get worse as we try to accommodate intuitions regarding *people* that are not rational – i.e., those who lack the feature that is supposed to ground respect for people.

Section 8: Kantian Solutions to Peculiarity Two - Allen Wood

In his paper, "Kant on Duties Regarding Nonrational Nature"[60], Allen Wood attempts to resolve the problem of less-than-fully-rational beings in a different way. His strategy is to pull less-than-fully-rational beings inside the scope of moral concern by emphasizing the bits of rationality that they *do have,* rather than focusing on the bits that they don't.

Wood recognizes that Kant's logocentrism can give rise to exploitative or careless treatment of animals, because on his theory, the only thing with unconditional value, the only thing that is to be treated as an end in itself, is rational nature, and everything that does not have a rational nature is only properly seen as a means. Thus, nonhuman animals are merely things for us to use in promoting our ends, and they have no intrinsic worth that can be invoked to set limits on those ends or on the means we employ in order to achieve them. Only rational nature has such worth, and so less-than-fully-rational beings (lacking such nature) are not proper objects of respect, or of the duties that fall out of the formula of humanity.

Wood, however, argues that although Kant is committed to this logocentrism as a central part of his theory (Wood defends logocentrism as a perfectly good feature of Kant's theory), he is *not* committed to the Personification Principle (i.e., "Duty *d* is a duty *toward S* iff *S* is a rational being, and the moral requirement to comply with *d* is grounded on the moral requirement to respect humanity *in the person of S*"). The Personification Principle, Wood argues is where Kant gets into trouble regarding creatures that are not fully rational, because according to the principle, humanity (or

[60]Wood, Allen. "Kant on Duties Regarding Nonrational Nature I". *Proceedings of the Aristotelian Society.* Supp. 72 (1998): 189-210.

rational nature) must be respected in the *person* of some creature in order to be a duty. While Wood concedes that rational nature is the only proper object of respect (and thus the only proper obligator), he does not think that morality requires that rational nature must always be in *some person* in order to be respected. According to Wood, we can respect rational nature in the abstract, and *should* respect rational nature in the abstract, instead of limiting our respect to rational nature in the person of some rational being. Says Wood,

> A logocentric ethics, which grounds all duties in the value of humanity or rational nature, should not be committed to the personification principle. It should hold that honouring rational nature as an end in itself sometimes requires us to behave with respect toward nonrational beings if they bear the right relations to rational nature. Such relations, I will argue, include having rational nature only potentially, or virtually, or having had it in the past, or having parts or necessary conditions of it.[61]

Here, Wood argues that a logocentric ethics like Kant's can consistently hold that honoring or respecting rational nature sometimes requires us to treat nonrational beings with respect insofar as they bear the right relations to rational nature. According to Wood[62], Kant's theory can be charitably interpreted to include respect-obligations to children, to those who have temporarily lost their mental capacities, to nonhuman animals, and to the dead (all of whom fall under the heading of 'nonpersons' because they lack Kantian rationality). On Wood's view, all such nonpersons share some relation to rationality that indicates that they must be shown respect even if they lack full possession of what generates the obligation. Such relations (including possessing fragments of rationality, or even possessing it in the past or having the potential to

[61] *Ibid*, p.197.

[62] *Ibid*, pp. 197-199.

possess it) must be respected as representative of the worth of full rational nature. In the case of someone who has lost their mental capacities, Wood says, "It would show contempt for rational nature not to care about them, and to do nothing to help them recover their rational capacities."[63] In the case of the dead, he says,

> …the value of rational nature arguably also forbids our treating human corpses as mere lumps of decaying matter to be gotten out of the way or put to whatever use seems most serviceable. We honour the rational nature that was formerly present there, for example, by making only such use of the organs of dead people as those people consented to when they were alive and exercising their reason.[64]

This claim about the dead can be extended to those who have permanently lost their mental capacities. Our respect-obligations, on such a view, are to the rationality that was once present there, and we must continue to honor this rationality by treating that in which it is no longer present in certain ways. In other words, we have a duty to respect rational nature whether or not it is present in a person, because that is part of what respecting, or honoring, rational nature involves. Respecting rational nature, in some cases, will involve treating that to which it is connected in certain ways.

According to Wood, certain nonhuman animals also bear the right relation to rational nature, and thus must be treated with respect in many of the same ways in which we treat full-blown rational beings (in virtue of their full rational nature). This relation is that they share some of the *parts* of rationality that human beings possess. According to Wood, nonhuman animals possess certain fragments of rationality, and it is these fragments that are abstract objects of respect. These fragments include:

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[63] *Ibid*, p. 198.

[64] *Ibid*, pp. 198-199.

1) Desires, pleasures and pains – these things are parts of rationality that animals share with us, and to fail to respect them in animals is to fail to show proper respect for rational nature.
2) Preference autonomy – animals have preferences and initiate actions to satisfy them. According to Wood, this is a necessary condition of rational autonomy (which is the foundation of Kant's ethics), and to fail to respect it in animals is to fail to show proper respect for rational nature.
3) Natural teleology – nonhuman animals have natural teleological desires regarding their nourishment, reproduction, etc., and Kant claims that respect for our rational nature involves not frustrating (and in fact promoting) these same desires in ourselves[65]. Since nonhuman animals share this natural teleology with us, we have, by extension from duties regarding our natural teleology, a duty not to frustrate their teleological desires.

So, Wood claims, animals bear certain relations to the rationality that Kant's theory recognizes as the only thing valuable in itself, and which thus grounds his whole system of duties. Thus, Wood argues that by amplifying Kant's own theory (in ways that Kant surely should have) we can conceive of duties regarding nonrational beings that are not derived from duties *toward rational beings*. We do so by fairly interpreting the notion of respect for rational nature so that it includes respect for fragments of that nature that are not embodied in any person; because animals possess such fragments, our duties to them can be grounded on respect for those fragments, and *not* on any duties to human beings.

[65]See: Kant, Immanuel. *The Metaphysics of Morals* (in *Ethical Philosophy*. 2nd Edition. Trans. James Ellington). Indianapolis: Hackett Publishing Company, 1994, p.82.

Wood claims that this amplification of the notion of "respect for rational nature" is the only reasonable and fair way to interpret it; it is through such an interpretation alone that we can establish duties to very small children (children are actually literal nonpersons; since they are not fully rational moral deliberators and since they do not have the defining feature of humanity – the ability to set ends according to reason – they are literally nonpersons). It is through respect for the *potential* rationality in children that we have duties towards them, and these duties can often outweigh our duties to fully rational adults (we often put the needs of children above those of adults, since their rational nature is fragile and vulnerable, and must be taken special care of). That respect is owed to potential (or incipient) rationality in small children seems a fair and reasonable way to interpret "respect for rational nature", and the extension of this line of reasoning to animals that only have fragments of (though not potential) rationality does not seem unreasonable.

Wood even argues that a respect for fragments of rationality is presupposed by Kant's arguments concerning the indirect duties we have towards animals. According to Kant's reasoning, treating animals cruelly or ungratefully would encourage a similar treatment of human beings, and as such should be avoided. However, Wood argues, this presupposes that the qualities or traits that we should not disrespect in animals are sufficiently similar to those in human beings – otherwise, treating them with disrespect would not influence our treatment of humans. Therefore, Wood argues, Kant's theory already presupposes that animals share fragments of rationality with human beings, and that these fragments ought to be treated with respect – these fragments are qualities and

traits sufficiently similar to those in human beings that we run the risk of analogous treatment of human beings when we treat animals poorly with respect to these qualities.

Will this solution work? Will amplifying and modifying Kant's analysis in this way solve the problem of Peculiarity 2? It seems that this solution is promising – it is an attempt to explain why we may have rather robust duties of respect to creatures that initially seemed to be left out in the Kantian analysis. However, how successful is it?

Section 9: A Problem with This Solution

If we look back to the Kantian framework and the considerations of value that are supposed to ground it, it seems that this move is not clearly open to the Kantian -- inferring that fragments of rationality, potential rationality, and past rationality should be deserving of respect seems quite contrary to what Kant intended by humanity, rationality, etc. Perhaps Wood is right to claim that including these things in the notion of "respect for rational nature" is a reasonable interpretation of the phrase and one that we might like to endorse, but the interpretation that Wood makes is not a straightforward one given what Kant says about rationality. For him, humanity, dignity, and a claim to respect as an end in itself are all reserved for creatures who set ends according to reason and are moral deliberators (i.e., they are legislating members of the kingdom of ends, for whom the only binding law is one that is self-legislated). These notions seem to accentuate features of rationality that are *not* included in the "fragments" Wood discusses. If we look at what it means to respect someone's humanity as an end in itself, the ability to set ends is requisite (how can we promote others' ends -- or only set ends that they could accept -- if they don't set any ends at all?). To assume that fragments of rationality "count" as part

of what must be respected when one respects rational nature might be a good way to expand/amplify Kant's theory, but I'm not sure how in line with Kant's principles it actually is.

It seems that Wood's response on Kant's behalf fails to preserve one of the fundamental features of Kant's theory – Wood claims that he is preserving Kant's logocentrism while only rejecting the personification principle, but it seems that his solution is not really in the spirit of Kant's logocentrism. Are pleasure and pain, preferences, and teleological desires part of what Kant thinks is *valuable* about rational nature? The answer seems to be "no" – these may indeed be *parts* of it, but they are not parts of the intellectual core, of the core of pure rationality divorced from inclinations that sets ends and legislates the moral law. This core is what Kant seems to deem as worthy, valuable, and to be respected, and though these other things may be part of rationality in a certain sense, Kant's emphasis on autonomy, and his insistence that the value of humanity lies in the capacity to legislate moral law, suggests that *they alone* are necessary features for qualifying for respect. The other features that Wood identifies do not seem to be where the value lies for Kant, and because of that, they do not seem adequate to ground the requirement of respect without the presence of the value-conferring features that Kant emphasizes. For even if a small child, a woman in a vegetative state, or a non-human animal, has the relationship to rationality that Wood identifies, it seems that that does not confer the value necessary for grounding respect (even if they *are parts* of rationality), and so cannot generate duties and requirements in the way that Wood wants them to.

Setting this worry aside, however, a problem with this sort of view is that it solves the problem of how respect is owed to those who are nonrational by asserting that we must respect rational nature in the abstract, and that doing so will involve treating those who are related to such rationality in specific ways. The cost of this sort of strategy is that the proper object of respect is rationality in the abstract, and so it is again no longer clear how the obligation is owed to the creature itself. If we simply say that we must respect rationality, and doing so will involve treating those who are related to it in certain ways, we end up with an account of respect that is directed at an abstract feature. Admittedly, on this view we will have obligations of a sort to the deceased, to children, and to the mentally impaired. But our obligations are to the rationality to which they are related, and our treatment of them is an outgrowth of *honoring that*. My respect for the woman in the permanent vegetative state, then, is not really respect for her, but for something that she no longer possesses, and I must act in certain ways towards her body in reference to this relation (i.e., I must respect what she rationally willed for herself at one time).

This sort of view, then, solves the problem of justifying certain restrictions on behavior at the cost of developing an account of respect according to which the objects of respect are not creatures, but features of them. Though this may help to solve the problem of justifying the behavioral constraints in question, it still means that respect is not something we owe (or an attitude we must develop) to creatures themselves, but to various abstract rational bits of them. And this seems all the more strange and untenable as an account of respect when the thing towards which we 'owe respect' in this way does not in any way possess the features that generate the obligation. It seems hard to

establish an obligation *to* something on the strength of the obligation-generating nature of a feature it lacks. Because of this, on a view like Wood's, the most natural way to explain why I shouldn't do certain things to the woman in a permanent vegetative state is because it shows a lack of respect for rationality in general, and not because it shows lack of respect for her. This is in essence what Wood's view boils down to, and so it seems misleading to say that such a solution explains how respect is still owed to the woman herself (i.e., to some nebulous lost rationality that is somehow still hers), rather than to some abstract feature of value that must be respected by treating her in certain ways. It looks as if this solution addresses peculiarity (2) at the cost of highlighting peculiarity (1); it is mysterious that a feature that one *no longer* has can ground obligations to that person, *if* the obligation to the person is contingent on one's possessing certain features (i.e., possessing the valuable rational nature). And even if one were to identify 'having been rational' as the present feature of the woman that grounds an obligation to her, it is not clear why such a fact about her generates an obligation *to her* if rationality is what is of value (thus rendering *actual possession* of rationality to be what grounds the obligation *to her*).

Section 10: One More Problem with the Kantian Analysis

We have focused up until now on identifying the proper object of Kantian respect. The object of Kantian respect is a very particular feature of rational creatures (namely, their capacity to autonomously self-legislate). According to Kant, that certain creatures have such a nature means that the creatures that have it have a worth beyond price; and this means that this nature should always be treated as an end in itself, and never merely

as a means. Part of respecting such creatures is treating them in this way. Respecting creatures is, in part, recognizing and setting limits on the behavior involving such creatures that one can engage in. Respecting creatures means seeing the rational nature in them as something which cannot be used as a means -- but *must* be treated as an end -- and behaving accordingly. (Note that rational nature is what makes creatures autonomously self-legislating beings.) Thus, to respect a creature, in part, means always treating them (where "them" can be read as a shorthand for "the rational natures in them") as ends.

The sort of behavior that is required by a Kantian notion of respect for persons (or for any rational creatures) is best understood by considering one of the formulations of Kant's categorical imperative – specifically, "The Formula of the End in Itself". Kant expresses this imperative as: "Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means"[66]. Thus, the moral imperative given to us from rationality requires that we always treat ourselves and other people (i.e., those who exemplify humanity -- or, more precisely, those who have the rational, morally self-legislating natures that Kant has picked out as the only things that have value beyond price) as valuable ends in themselves, and never merely as a means to some end that we desire.

Many of the duties that Kant outlines in *The Metaphysics of Morals* seem to arise out of this formulation of the categorical imperative; this formulation provides a foundation for duties to others and to ourselves (and specifies certain actions to be done or not to be done) despite what we may *want* to do. For example, we cannot force

[66] Kant, Immanuel. *Grounding for the Metaphysics of Morals* (in *Ethical Philosophy*. 2nd Edition. Trans. James Ellington). Indianapolis: Hackett Publishing Company, 1994, p. 36.

someone to be an organ donor in order to save a loved one, for to do so would be to use that person as a means to some end that we desire (the preservation of the life of a loved one), and not to treat him as an end in himself. What treating someone as an "end in himself" involves is debatable, but Kant claims that it at least involves these three notions:

> a)"Man…is not a thing, and hence is not something to be used merely as a means; he must in all his actions always be regarded as an end in himself."[67]
>
> b) "…rational beings…should always be esteemed at the same time as ends, i.e., be esteemed only as beings who must themselves be able to hold the very same action as an end."[68]
>
> c) "…the ends of any subject who is an end in himself must as far as possible be my ends also, if that conception of an end in itself is to have its full effect in me."[69]

When we attempt to consolidate these three claims into an idea of "treating humanity as an end in itself", it appears as if "humanity" is a matter of having rational nature insofar as one is able to set ends (according to reason), and that treating humanity as "an end in itself" involves: 1) respecting the ends that others set, as well as setting and promoting those ends for oneself (as far as possible), and 2) only setting ends for oneself that could be held as ends by the other rational beings involved. Thus, it appears as if the Formula of the End in Itself sets limits on what we can set as ends, and on what actions we can perform in pursuit of those ends. Thus, (to return to the example introduced above) using someone as an unwilling organ donor fails to treat that person as an end in

[67] *Ibid*, p.36.

[68] *Ibid*, p.37.

[69] *Ibid*, p.37.

himself precisely because it uses him as a mere means to an end that we desire, because it attempts to realize an end that that person could not set for oneself (one could not will that one be used as an organ donor without one's consent), and because it fails to respect the ends that person has (i.e., the ends of self-preservation and of the avoidance of unnecessary pain). What's more, the argument for duties to *oneself* follows along these same lines; for Kant, all of these considerations apply to the way in which we treat ourselves as well. Thus, a large part of what we consider duties to ourselves falls out of the idea that we must always treat humanity (in the person of a rational being) as an end in itself.

Thus, respecting humanity (or, respecting the sort of rational nature for which humanity can be seen as a shorthand) in part means placing strict limits on the sorts of things that we can will to do (and thus that we *do*). Respecting people means seeing the fact that they have dignity beyond price as requiring certain behavior from us. Thus, respecting people is intimately tied to action – to respect another person as an end in herself means setting limits/requirements on behavior involving her (in the ways above mentioned). Thus, if a creature has the feature required for respect, this fact about her figures into our deliberations concerning actions we can take that involve her, and sets limits on what behavior is appropriate (this feature of Kantian respect – that it is the appropriate weighing of certain facts in one's deliberations – is one that Darwall's analysis helped to illuminate).

The examples that Kant uses to elucidate his discussion of the formula of humanity gives us insight into what sort of behavior is required if we want to respect

rational creatures. Discussion of one of these examples will help us get a clearer picture of some of the problems that arise from this account.

One of the examples Kant gives of respecting rational nature is respecting it in oneself by not committing suicide. According to Kant,

> If he [a man] destroys himself in order to escape from a difficult situation, then he is making use of his person merely as a means so as to maintain a tolerable condition till the end of his life. Man, however, is not a thing, and hence is not something to be used merely as a means; he must in all his actions always be regarded as an end in himself. Therefore, I cannot dispose of man in my own person by mutilating, damaging, or killing him.[70]

Thus, because rational nature is something that has a worth beyond price and cannot be used as a mere means, disposing of it as a means to avoid a bad situation is prohibited. Committing suicide is treating your rational nature (by getting rid of it to avoid pain) as a mere means to reduce suffering. Thus, according to Kant, committing suicide fails to respect the rational nature within yourself.

This account of what it means to respect your own rational nature highlights the fact that on a Kantian account of respect, respect is owed to the abstract feature that grounds the requirement, and not towards the person that is being respected. Suicide counts as a failure of respect because it uses the rational nature that you *yourself* possess as a mere means (where your rational nature is thought, in some sense, to be separable from you; it seems to be conceived of as a feature of yours that can be pulled out and isolated). The object of this respect is a certain abstract feature of yourself – your rational nature – that needs to be treated in certain ways, and that *must not be treated in*

[70]Ibid, p. 36.

other ways. Your rational nature, then, is what is the object of this respect, and failing to respect it can involve using it as a means to avoid difficulty and escape pain.

This sort of analysis of respecting oneself in the context of suicide highlights the fact that Kant thinks of respect as something owed to rational nature in the abstract -- the behavior required of us in order to display respect involves a certain orientation to even *oneself* that is characterized as targeting one's attitude/behavior with regard to a certain *feature*. As discussed before, there are problems with this sort of analysis of respect, but for the current discussion, what is notable is that a view of this kind will offer somewhat bizarre accounts of why certain sorts of behavior are disrespectful, and may force us to place certain limits that are counter-intuitive on behavior even towards oneself. That rational nature is the proper object of respect even in oneself (given that this nature is conceived of as abstracted from oneself) points out the somewhat bizarre idea that it is not creatures that are the direct objects of the attitude of respect, since not even our behavior with regard to ourselves is considered behavior towards a creature as a whole. And given this fact, it seems that suicide is wrong in exactly the same way that disrespecting someone by stealing their organs is wrong – it fails to treat humanity as an end. And this seems bizarre, for it is your *own* humanity in question in the case of suicide. It is your *own self* that you are behaving toward. That the analysis of the kind of disrespect involved in suicide is not importantly different from the kind of disrespect that is involved in doing the same thing to another highlights the bizarre formal analysis involved in Kantian-style respect, i.e., an analysis that isolates a certain feature as the proper object of respect.

Section 11: Conclusion

The arguments in this section have been an attempt to highlight problems with the Kantian view. Because of the way the view of respect sets the scope and the object of the obligation of respect, we get problems concerning (1) how the obligation can be properly thought of as an obligation to a creature and not its features, and (2) how we can explain obligations to those who don't have the feature that grounds the obligation. These problems arise largely because in order to limit the scope of the obligation (i.e., to resist a spectrum view of respect like the one that Raz endorses), one has to pick out some feature as the morally salient feature in limiting the scope of the obligation. As a result, we get both of the problems described above when we try to delineate scope. Because of this, these two problems are general ones with any account of an obligation like respect, and in the next chapter I will give a solution (in the Kantian framework) to these problems. In Chapter Five I will argue against the Kantian value-theory described in this chapter (i.e., the value-theory according to which only those with rational natures are owed respect), but in the next chapter I will assume it to make the analysis clearer.

Chapter Four

A New Analysis of Respect

Section 1: The General Problem

As has already been discussed, one of the problems that arises with accounts of respect is the problem of identifying the proper objects and scope of respect. If we wish to endorse a view like Raz's, we need to explain why there are some sorts of value towards which respect (as an appropriate response) is morally required. And the way that respect will get grounded in accounts that attempt to do this (respect is giving certain facts appropriate weight in one's deliberations, respect is seeing rational nature as placing requirements on one's behavior) will place emphasis on facts about, or features of, certain creatures/objects. The theoretical grounding given for *why* we need to respect certain creatures will focus on a fact or feature from the creature itself, and direct the attitude/behavior of respect towards that fact or feature. It seems that when we attempt to ground obligations of respect on the Kantian model, we get an account of respect that is oddly divorced from the creature as a whole.

What's more, because of this divorce, it seems that the creature itself is only worthy of respect so long as this feature/fact is in place. It seems that given these accounts, it is hard to claim that our obligations of respect can remain when the features that ground them are lost. That this should be the case is counter-intuitive, though,

because it seems that respect generates obligations that are not dependent on, and that outlast, the sorts of features we appeal to in order to ground them. Respect seems to be an attitude directed towards a *creature*, and not towards the creature's features. Because of this, the focus on features seems wrong, especially if this means that the obligations tied up with the attitude don't survive the loss of the grounding feature.

These kinds of problems are not exclusive to Kantian accounts, though. These problems come from the more basic problem that arises *whenever* one attempts to theoretically ground obligations of respect. The problem is that in order to explain our obligations, we need to identify something that generates them. In doing so, however, we will without fail identify some fact about, or some characteristic of, objects that generates this obligation. However, this means that our theoretical grounding pulls away from creatures as a whole and focuses on features that they possess. And as long as we identify features of creatures as the theoretical foundation of our obligations to them (or, more strongly, as the proper objects of them), we will encounter the problem of explaining how our obligations can persist when the features do not, for they rest on the presence of these features. If we attempt to avoid this problem by giving an account of respect that is not grounded in some feature of the object to which respect is owed, we will encounter a more serious problem. Without an appeal to some feature of the object that is the reason the object merits respect, we really have *no* explanation of the obligation at all. If we do not identify some salient feature that generates the obligation, then it is completely mysterious why the obligation exists in the cases that it does, and we have really given no account of respect at all. It seems, then, that an appeal to features is unavoidable if we wish to give a theoretical grounding of the obligation of respect.

The more specific problems then arise because the features appealed to will, ultimately, be ones that can be lost. Even if we attempt to solve this difficulty by saying that it is not an abstract feature (e.g., bare rationality) that generates our obligations, but that it is that feature as embodied in a certain creature (not bare rationality but *my* rationality, for example)[71], the fact still remains that it is the presence of that feature that grounds the obligations, and the obligation exists only so long as the feature does. And thus, any account that we attempt to give of the theoretical grounding of respect will encounter problems like this, given that an appeal to features is unavoidable on such an account.

Section 2: Obstacles to a Solution

How can these problems be overcome? We discussed a few solutions to problems of this sort in the last chapter; in this chapter, I wish to offer a new solution, and in doing so will focus on one specific kind of case. We began (in Chapter One) with an examination of several cases that involve the notion of respect; one of these cases was the case of a woman in a permanent vegetative state. Her family is considering whether or not to end her life, and the questions with which they are grappling can be seen as questions about what sorts of behaviors are appropriate towards her, given that she no longer has any mental faculties. These, then, can be seen as questions concerning what sorts of behavior are respectful and which are not, etc. This is a particularly troubling

[71]Kant's statement of the Formula of Humanity as End-in-Itself suggests this understanding, and many have interpreted the obligation in this way. According to Kant, we are obliged to respect humanity (understood as a certain sort of rational nature) in the person of ourselves or others, and this can be taken to mean that it is *my* rational nature, or *your* rational nature, that is to be respected. See Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 230. Allen Wood calls this the "Personification Principle", and for an interesting discussion of how he thinks this principle generates the problem I am identifying, see his "Kant on Duties Regarding Nonrational Nature I". *Proceedings of the Aristotelian Society Supplementary Volume* 72:1 (1998), pp. 196-197.

case when we attempt to ground respect in a Kantian way; given that rational nature is the ground of respect, and people only have the unconditional worth requisite for respect if they have such a nature, when that nature is lost there is no longer any grounding for an obligation of respect towards them.

In the last chapter, we discussed problems with the claim that the woman *used* to have the requisite features, and so it is her past rationality that still grounds obligations of respect. However, it is mysterious that a feature that one *no longer* has can ground obligations to that person, *if* the obligation to the person is contingent on one's possessing certain features (i.e., possessing the valuable rational nature). And even if one were to identify 'having been rational' as the present feature of the woman that grounds an obligation to her, it is not clear why such a fact about her generates an obligation *to her* if rationality is what is of value (thus rendering *actual possession* of rationality to be what grounds the obligation *to her*).

But even setting aside these problems, there are some people in permanent vegetative states that have *never* had the requisite features (consider the case of a child born with severe brain defects). We cannot appeal to 'past rationality' to account for them, and Wood's solution from the last chapter seems even more difficult to offer in their case (what relation do they bear to rationality that would generate obligations *to them*?), thus leaving an important range of cases unaccounted for. And given our strong intuition that *all* people (even people in this second group) deserve respect, a failure to accommodate such cases seems counter-intuitive. I will set aside these more troubling cases for the moment, and focus in the next section on trying to provide an analysis that

can accommodate the case of the woman in the permanent vegetative state. I will discuss obligations to those in the second group in the last section.

Section 3: A Better Solution

Despite the problems with the solutions discussed above, the fact that the woman in the permanent vegetative state used to be a fully functioning rational being *does* seem important, in some way, to how we should treat her now. But how can we justify this, given that the feature that grounds respect for persons is not present in this case? Perhaps there is a way to explain how a feature that one *used to possess* can still adequately ground the requirement to respect someone. However, it is clear that on a Kantian analysis, this will be very difficult. But if we alter this analysis slightly, we may be able to explain how these lost features can indeed still matter.

If we think of respect as being directed at certain features that a creature possesses, features that are of unconditional value, then the problem we have been discussing will inevitably arise, and it will also be a hard one to solve. But if we think of respect as being directed at the creature itself, *in virtue of certain features*, then the problem (though it still arises) is not as hard to solve. If we think of the value of these features as 'suffusing' the creatures with a value of their own, we can think of respect as being directed towards the *creatures*, and not the features that they possess. In this way, the features still ground the value and the requirement of respect, but they do so in such a way that they are not the proper objects of that respect, but rather mark out that in which they reside as the proper object.

In contrast to a Kantian view, which identifies the object of respect as rational nature, this view takes the object of respect to be the creature that has this nature. While one can interpret the Kantian obligation to respect rational nature as an obligation to respect 'people insofar as they are rational', this sort of analysis still rests the unconditional worth of rational creatures entirely in a feature that they possess (i.e., the ability to autonomously legislate moral law) and once this feature is lost, the person loses the worth as well. Given that respect (on such a view) is an attitude that recognizes that value, the respect-obligation to the creature itself vanishes when the value does. However, if we think of value as "suffused" in the creature in such a way that her value is no longer dependent on that feature remaining, then we do indeed have a different analysis of respect. Such an analysis, while still defining respect as a response to value, does not do so by taking as its object certain valuable features *in* creatures; rather, it does so by taking the creatures themselves as objects of respect insofar as they have been suffused with the value derived from a certain feature.

What can it mean for an object to be "suffused" with value? More precisely, what does it mean to say that an object has value of its own derived from a certain feature, even if that feature is no longer present? These ideas need clarification, and we will spend the rest of this section getting clear on what they mean. Before turning to these questions, however, it is important to note that this view analyzes respect as recognition of *status*. With such an account of respect, we can explain lost features as still relevant to questions of respect; for even if these lost features are the ones that generate the status, if, for some reason, the person loses the feature that gave her that status, she still has the status. Thinking of the group of creatures with this status as members of a certain class

may be helpful here. We can think of respect as directed at members of a class or group of creatures that have a specific kind of value. Furthermore, this analysis will help to solve one of the main problems discussed above; namely, if respect is owed to creatures of a certain class (i.e., with a certain kind of status), and creatures cannot fall out of that class (or lose that status) once they become a part of it, then the intuition that we still owe respect to those who have lost the requisite feature can be accommodated. Admittedly, status *itself* must be conferred in some way, and so reference to unconditionally valuable features is still necessary in order to explain why certain creatures have the status that they do. Nonetheless, seeing the obligation of respect as recognition of a kind of permanent status means that the creature as a whole is more the focus of respect, and will remain an object of respect no matter what happens to her.

How, though, do we cash out this notion of status-that-can't-be-lost? Consider this analogy: Jimmy Carter, at one time, was the president of the United States. He is no longer the president, but his having the requisite features at one point in time (having been elected president, etc.) gave him a certain status. And even though he is no longer the president, the fact that he was has given him a certain status that he will never lose. That is, he will always be someone who was elected president of the United States. He will always have a right to Secret Service protection, and he will always be thought of as deserving a certain sort of honor and respect (i.e., one would not treat Jimmy Carter as one would anyone else). Jimmy Carter, then, is in a certain class. Being president at one point is *requisite* for membership in this class (one cannot be in the class if one has not been president of the United States, and that feature is in fact the only *necessary* condition for membership), but membership in this class has consequences, and generates

obligations on the part of others, long after the requisite feature *that conferred membership* has been lost. One could say that Jimmy Carter gains a certain status when he is president, and the feature that conferred that status (that is, being president) can be lost without altering the status.

In the case of respect, the idea is similar: creatures have a certain valuable feature (or features), and having this feature means that they are "suffused" with the value it carries. They are thus part of a class of creatures (those "suffused" with this value), membership in which carries with it a certain status. What's more, even if they lose the feature, the status remains (in this case, it is a sort of moral status that generates requirements and limits on behavior towards members of the class). *Individual* members of the class are "suffused" with a certain value, and respect is owed to members of the class of things that are so "suffused".

The question of what it means for a creature to be "suffused" with value, though, is still somewhat unclear, and the phrase (being metaphorical) can be misleading. What I mean this term to convey is that there are certain sorts of valuable features that, when objects have them, render the *object itself* valuable, even if we can explain that value in reference to that particular feature. Think of the sorts of attachments that we form to inanimate objects. We consider some objects to have "sentimental value", where what we mean by this is that if we did not associate them with some person, or event, or special event in our lives, then we would not value them in the same way. But because we *do* associate them with something that is important to us, the object itself takes on a value of its own. For example, one might save the ticket stubs from the first concert one attended with one's spouse, or one might save formless scribbles that one's child has

made on a scrap of paper. Because one attended the concert with someone one loved, or because the random pen lines on the scrap of paper were made by a daughter's hand, one comes to value them as important objects in their own right. These objects have an important feature: they are mementos of an important event, or the work of a loved one. Without this feature they have no value, but given that they have this connection to something of value, they *themselves* become "suffused" with value of their own. That is, we value the objects themselves, over and above the features that give them value for us.

Granted, this sort of value is value that is only present for the person for whom the object holds a sentimental connection, so this sort of value is derived from a connection to something else that is *valued by that person*. But the idea of something that would not have value were it not for a certain feature can be understood on this model. Some fact, or feature, lends value to the object in such a way that the object itself takes on value, over and above the value of the fact or feature that generated it. Respect then, recognizes value of this sort: it recognizes the kind of value that comes from a specific feature, but that is "suffused" in the object itself.

Respect, on this sort of a view, is a way of seeing and responding to certain kinds of creatures. The objects of respect are creatures "suffused" with the right sort of value, and respect is a way of seeing those creatures as in a special class around which "barriers of moral protection" are set up. Respect, then, is a way of seeing and responding to a class of creatures as objects of a certain kind of moral consideration. And once this status has been conferred (once a creature is in the class) losing the features that suffused it with the right sort of value does not pull it out of the class. Why, though, is membership in *this particular* class irrevocable?

The right sort of feature is indeed requisite to put a creature in the class described, but the feature is not merely a defining characteristic for membership in the class. Rather, having this feature gives the creature itself a certain status that is no longer dependent on possession of the feature. It is one's ticket into the class, but once one is in the class, the ticket is no longer necessary. Just as being president of the United States is the only feature that could have put Jimmy Carter into the special class described above, yet it is not a feature he must retain to keep the status it conferred, so too does possession of the right feature put a creature into the class of creatures to-be-respected, yet it is not a feature that must be retained to be a member of the class. Possession of the feature is such that it renders the bearer valuable, so that the creature itself achieves a status conferred by, but not eternally dependent on, that possession.

Although value that "suffuses" its bearer in a way that gives her an irrevocable status may sound like a very strange sort of value (so strange that it may seem implausible that things can be valuable in this way), it is not as alien as it may first appear. Consider the way that we value those we love: if I ask you why you love your partner, you may give me a long list of things that are good-making features of her, a long list of things that have made you love her. You love her razor-sharp wit, her beautiful smile, etc. These can reasonably be thought of as features that made you love her, features that made you value her in a special way. She is your beloved, and the good-making features that you list can be thought of as the features for which you value her in the special way that we value those we love.

But what would happen if your beloved were to lose her razor-sharp wit, or any of those other things that made you love her? What if, for example, she was to go suddenly

senile? Would you stop loving her? If the laundry-list of things you love about her were to become no longer true of her, would she no longer be special to you? Although some may say "yes" to this question, it is not unreasonable to say that if you truly love someone, in many cases the answer can, and will, be "no"[72]. If your beloved loses her wit, her beauty, etc., although these are things that you love about her, and the things that in some sense 'made you love her', the fact remains that you now love *her*, and not these features. She has acquired a certain status, and even if she loses the features that initially conferred that status, she has taken on a value to you that is independent of possession of those features, and love remains when they do not.

An analogy with love, and with the way we value those that we love (although not a perfect analogy), is thus constructive in thinking about the peculiar sort of value discussed above. I suggested that the value that "suffuses" the creatures in the class of those-to-be-respected (as well as the accompanying obligation to respect them) is derived from, but not dependent on possession of, certain features. As in the case of love, our respect is owed even when the requisite feature is lost. If we think of respect in this way, then it seems less mysterious that creatures can still be owed respect when they lose the features that we commonly associate with those to whom we owe respect. But why should we do this? The foregoing discussion has explained how it is plausible for an

[72]I do not deny that there may be some features that, if lost, make someone unlovable. For example, could I continue to love someone who one day started lynching people with the Ku Klux Klan? Maybe not. But it is at least interesting that this question is not easy to answer. Could you still love someone who turned very bad? There is at least some pull to the idea that you might still be able to love someone even when they begin to do horrible things, because the person you love is still the person you love, no matter what she does. This is the feature of love to which I am appealing here. I am appealing to the idea that the person you love is not *just* a collection of features, and loving her is not simply loving those features, since your love can survive even when there are very basic changes in that person's behavior or character. Love can reasonably be seen, then, as the sort of attitude that does not rest on the presence of certain features, but that is directed at the person as a whole.

attitude to work this way, but why should we think that respect should work this way? Why *shouldn't* creatures lose their status when they lose the features that generated it?

Given the analysis that I have presented, respect involves seeing creatures that are part of a *class* as creatures that must be treated in certain ways. The intuition that this analysis is supposed to capture and make clearer is this: the major role that respect plays in our practical lives is that it draws boundary lines around certain kinds of creatures. Respect functions in our moral deliberations as a kind of automatic limit-setter on the sorts of actions we can take when certain kinds of creatures are involved. On my analysis, this is explained by saying that respect recognizes a class of creatures that are set apart as the sorts of things that require a certain response. And in practice, if we truly see the *creatures themselves* as appropriately set apart, this status must be one that is not lost. Just as with love, then, respect functions as a way of setting certain creatures apart as special in certain ways, and once we have done so, the attitude we have developed is such that they are *always* set apart in this way.[73] This analysis of respect, according to which respect is an attitude that recognizes status that creatures themselves have (where this status is explained in reference to, but not dependent on, a value-conferring feature that generates it), can explain why creatures that lose the status-conferring feature must still be treated in certain ways, without redirecting the obligation to an abstract feature.

[73]Unlike love, though, respect is a way of seeing creatures as having *moral* status. Although this status is conferred in virtue of the value which the creatures derive from certain *features*, respect is a way of seeing this *status* as requiring something of the moral agent (whereas continuing to love is not morally required). Respect is an attitude that involves setting the class apart as requiring a special kind of response.

Section 4: A Problem Case

If we think of membership in the special class that respect recognizes as irrevocable once it has been gained, the problem of how respect can be owed to creatures that have lost the features requisite for class membership can be dealt with more easily. However, it does not seem that this sort of analysis helps us solve the problem of the obligations that we think we have towards those who never had the requisite features (and thus are not 'suffused' with the value of that feature), and yet are similar enough to those who do that we feel we ought to respect them. (For example, think of children that are born severely brain-damaged. The case of children such as these was the second problem with Wood's account that we put off earlier in this paper). Can an analysis of respect like the one I'm offering give a satisfactory answer to this problem?

In order to answer this question, we should first consider how our intuitions do in fact run in these sorts of cases. Is it true that we would want to say that there are ways of treating brain-damaged infants that constitute disrespect? Is it true that we consider obligations of respect to hold in these sorts of cases? If not, this may not really be a problem-case for accounts of respect; but if so, any account of respect (including the one I am offering here) needs to give a satisfactory account of this obligation.

Consider the following case: a child is born with brain-damage so severe that she is not sentient in any robust sense, and is merely physically (and not mentally) alive. The doctor determines that she could continue to live for years in this state. However, there are other infants in the hospital with severe birth defects of a purely physical, and not mental, nature (children with severe kidney disease who will die soon without a

transplant, for example). There are no infant kidneys immediately available for transplant, and it is likely that these babies will die.

What if the doctor in this case decides that he should kill the brain-damaged infant in order to use her kidneys to save the other children? Whether this is permissible is without doubt a controversial philosophical question, and I will not attempt to answer it here. The issue that I wish to raise with the example is this: among all the considerations the doctor has to weigh, is there a question of whether this course of action is in some way not "the right way" to treat the brain-damaged infant? Would it be reasonable to say, regardless of the wishes and interests of the infant's parents, of the doctors, of the other infants and their parents, etc., that there is a question of whether this is an inappropriate way to treat the brain-damaged infant? If this is a sensible question, and I think it is, then it seems that we have an intuition (however weak it might be) that there may be limits and requirements on our behavior towards this child that *are not* grounded in moral requirements that we have with regard to anyone other than the child herself. In other words, the infant herself is an object of moral consideration in her own right. There are ways of treating her that are appropriate, and ways of treating her that are not appropriate (i.e., there are things we can do to her that are *acceptable*, and some that are not), simply because there are standards for how *she* must be treated.

Of course, there are many moral questions for the doctor to consider in this case. For example, the interests of the parents, and a due deference to their wishes, are an important factor in the doctor's decision. If the parents were to tell the doctor that under no circumstances do they want the life of their child to end, one could argue that the

doctor does something wrong *to the parents* if he kills the child anyway[74]. One could describe the wrongness that is done in many ways – as a failure of respect, as a serious harm, etc. – but however one conceives of this wrongness, one may have the intuition that something wrong has been done if the wishes if the parents are disregarded.

The question here, however, is not whether this sort of wrongness can be identified in this case. The question for us is whether or not, setting questions about *this sort of wrongness aside* (i.e., setting aside moral questions concerning the interests/wishes of those other than the infant herself), there is any moral question left at all. Is there anything about the infant herself that sets requirements on our behavior towards her? For many people the intuition is that there *is*: it seems that we think one of the questions facing the doctor is whether or not this is an acceptable thing to do to the infant *herself;* is this an acceptable way to treat the infant? And this is a question about what sorts of behavior are appropriate given the *kind of creature she* is. They are questions that concern obligations to *her*, and not to any rational creature connected to her.

Whether the child feels pain will, also, in most circumstances, be material to these questions. But for our purposes, we have supposed that the child does not, in fact, feel pain – does this mean that the question of whether there is behavior towards her that is appropriate disappear? One way to answer this question is to ask whether our concern in this case would disappear if we supposed that the infant *could* feel pain, but that the doctor could end the infant's life in a completely painless way. Does the problem disappear if we suppose the death to be painless? It does not appear to -- or, at the very

[74]Of course, one could argue that there is no wrong done to the parents in this case, and that the doctor has every right to refuse extreme measures when resources are scarce. I do not wish to argue for either position here – I only mean to show that one can raise the *issue* of whether wrong is done to the parents in this case.

least, it does not seem unreasonable to think that the question still remains. It is instructive, then, that even if the child cannot feel pain, the question of whether it is possible to mistreat her does not necessarily disappear. This shows that the question of whether there are appropriate ways to treat her is in our minds a sensible one, even leaving questions of pain aside – and this means that this can potentially be a question of whether we have obligations of respect towards the child.

Since the case we have been discussing is an extreme one (the child in this case is non-sentient), one may say that the question of whether or not it is okay to kill her to save the life of another is easy to answer. It may be argued that because this child is not sentient, our intuition that it is wrong to kill her is weak at best. However, even if you think that the question is not hard to answer (i.e., even if the intuition that it is wrong to kill her fades in such an extreme case), the fact that it is not obviously wrong-headed to ask the question is at least instructive. It is at least instructive that one might be tempted to say, "She's still human, after all". Consider the fact that if this infant were to die, there are certain ways of treating her body after death that we would think are unacceptable. For example, it would seem unacceptable to throw her body away rather than doing what one normally does with the bodies of those who have died. And again, this is not because it would show some sort of disrespect to those who are connected to her, for even if it were those connected to her that sanctioned this action, it would seem that there is something "not right" about it.

Or, consider the fact that even if one thinks that the doctor should be able to kill this infant in order to save the life of others, it still seems that there are ways of treating the infant while she is still alive that are acceptable (and some that are unacceptable)

apart from considerations of the feelings of those connected to her. For example, we would consider it unacceptable for the hospital staff to throw the infant around like a football in their spare time, whether or not her parents would approve of such a thing. That she is a human infant seems relevant to what we can do to her, despite her lack of all the features that we consider to be the distinctive (and valuable) features of human beings. Most people would agree that human infants simply should not be thrown around like footballs. And the thought seems to be that it is wrong to treat human infants in such a way *simply because they are human infants*. Of course, there are many ways to account for why we think this that have nothing to do with the infant being owed respect. I will briefly discuss two such ways, explaining why they are ultimately unsatisfactory, before offering a different way of accounting for these intuitions that establishes the infant as a proper object of respect.

One might account for this intuition by saying that the only reason we have it is that the child looks exactly like the sort of child towards whom we *do* owe respect. One could say that the reason we feel at least some compunction about killing the child in order to save another is because she seems exactly like the sort of creature towards whom we have very strong moral obligations. One could argue that our intuitions are merely an example of our tendency to over-generalize. That is, one could argue that this infant is treated in ways that are not required simply because of her similarity to those to whom we do have obligations, and that our intuitions are merely regrettable mistakes of over-generalization. Let us call this the Mere Mistake Explanation.

If one were to argue according to the Mere Mistake Explanation, the implication would be that our attitude to the brain-damaged infant is unjustified and perhaps silly. In

fact, one ought to do one's best to get rid of the intuition, since it is simply a mistake. Alternatively, one could think that this intuition is a mistaken over-generalization, but argue that it is not a regrettable one. One could maintain that this sort of over-generalization is important for morality because it protects against making unwarranted exceptions to moral rules. If we didn't treat all like creatures the same, but made judgments about our moral obligations to creatures on a case by case basis, we might start to make exceptions when we shouldn't. Thus, one could argue, seeing all similar creatures as being owed the same sort of consideration protects against wanton or mistaken disregard for moral rules, and so over-generalization is in fact a good thing. If one took this sort of view, one could explain our intuitions in this case by claiming that they are a sort of moral safeguard. Our intuitions, then, wouldn't show that we should treat the infant with respect because she is owed such consideration, but would instead show that we have learned to err on the side of caution and act as if all human beings have the same moral status, *even if they do not*. Let us call this the Safeguard Explanation.

The Safeguard Explanation seems to account for our intuitions better than the Mere Mistake Explanation. For example, it better explains why our attitude towards the infant persists even when we learn that she is brain-damaged, unlike the response we would have if we learned she were a cardboard cut-out. For according to the Safeguard Explanation, our intuition regarding the infant isn't a mere mistake on the order of mistaking a cardboard cut-out for a human being. Our attitude towards the infant persists because she is biologically human, and it is better (for pragmatic reasons) to treat all human beings as if they have moral status, even if they do not.

But is it right to say that our tendency to generalize in this way is merely a moral safeguard? If we accept the Safeguard Explanation, we encounter a problem: despite the usefulness of this attitude, the fact still remains (on the view that I have outlined) that the class of creatures to-be-respected has not been defined by merely being human, but rather by the possession of rationality, the value-conferring feature that she lacks. Thus, despite our feeling that we need to treat her *as if* she is owed the regard that is owed to members of the class, our reason for treating her this way cannot be that she is owed this regard as an actual *member* of that class (for she lacks the requisite value). The pragmatic worry that allowing ourselves to treat her differently may lead us to fail to respect those who *are* members of the class is the only reason we can give for treating her this way, since she just does not meet the criteria for membership in the class. Because of this, the explanation does not select the infant out as actually deserving respect (as much as any other person is), since treating her as we would other infants is ultimately a moral safeguard that is not grounded in what is owed *to her*. And since the infant does not, in fact, have the status that respect recognizes, the account of our behavior offered by the Safeguard Explanation does not seem fully in line with the content, and persistence, of our intuitions regarding her.

Section 5: A Way out of the Dilemma

Given this problem, a satisfactory account of respect needs to explain how our intuitions concerning the brain-damaged infant are not mere moral safeguards. So in order for my analysis to deal adequately with the problem case described above (in a way that marks the infant out as a proper object of respect), it must explain how the brain-

damaged infant is actually owed respect, instead of merely needing to be treated as if she is. We will only have an adequate solution to the problem if our account is one according to which we regard the infant correctly when we consider our obligations of respect to extend to her.

How, according to the foregoing account, can we justify considering the infant to be a full member in the class of creatures to-be-respected? There seem to be two main avenues open here: (1) We can switch gears and revise our claim concerning the feature that generates status, identifying it as some feature that the infant does, in fact, possess, or (2) We can preserve our initial identification of the feature that generates status, but revise our claim concerning the criteria that qualify one for that status. We can say that, despite lacking the feature that generates the status of normal members of the class, there is some connection that the infant shares with those members, and this connection qualifies her for the regard that is owed to them (i.e., that gives her the same status).

If we take the first avenue, we will encounter many difficulties, two of which are particularly troubling. First, any attempt to identify a feature that is requisite for generating the status of the class of creatures to-be-respected that the infant possesses will set the bar for membership too low. If we attempt to identify the feature as 'being biologically alive' or something of that sort, we will end up including a great number of objects in the class towards which we do not intuitively have moral duties (plants, for example). Of course, one could bite that bullet, and say that we owe respect to plants, but if one does this, the second problem will arise. If we identify the requisite feature as something this basic, it will be hard to explain *why* such a feature is relevant to morality. Why is "being alive" morally important? One of the advantages to identifying rationality

as the requisite feature is that there is at least a reasonable story (e.g., Kant's story) for why such a feature is relevant to morality. What worth can we identify in "being alive" that makes it morally important? If one is tempted to say that the requisite feature is merely "being biologically human", the same sort of problem arises. Although providing reasons for thinking that such features are morally important may not be impossible, it seems fraught with difficulty.

Let us turn, then, to the alternative strategy for including the infant in the class of creatures to-be-respected. In order to develop this strategy, we first need to determine what that class *is*; for the purposes of this analysis, let us assume (as we have been doing so far) that Kant is right, and the requisite feature is a certain kind of rationality. The brain-damaged infant, though, does not have this feature, even if other members of her species do. It seems that the only connection that the infant herself bears to members of this class (in virtue of which she could be said to be the sort of thing they are) is that she is biologically human, which means that she is a member of a species that *under normal circumstances* has a certain value-conferring feature. And, as mentioned above, it is unclear why species-membership should be morally important on its own.

Can our account of what it is that we do when we respect creatures with the requisite level of rationality help to explain why we should put the brain-damaged infant in the class of creatures-to-be-respected? Respect, as was said before, is developing the correct attitude towards certain kinds of creatures, and behaving accordingly. One way to capture this is to say that we see all creatures with the requisite value as having a certain "dignity" that gives rise to behavioral obligations on our part. Given the way that we generalize, though, we will tend to see *all* members of a species (of which normal

members have the requisite capacities) as having this dignity, even if they lack the capacities that give rise to our "seeing" creatures in this way. Because of the way we generalize, this means that we will see members of the *human species* as 'to-be-respected' in virtue of their normal capacities, and not *insofar as they have these capacities*. That is, we will track the fact *that a creature is of a certain kind* when we respect creatures, not the fact *that a creature has a certain feature*.[75] As we discussed previously, respect is a way of setting a group of creatures apart as requiring a certain response. Because of the way in which we are accustomed to grouping creatures, when we encounter a species of which all normal members have the requisite value-conferring features, we will come to see all individual members of the species as set apart, as having moral boundaries set up around them. When we operate in the world, we do not examine each creature on its individual merits to decide how to treat it; we see it as a creature of a certain sort, and behave accordingly. The brain-damaged infant is a creature of the sort that *normally has the requisite features*, even if on closer examination she does not have them. So, despite the fact that the brain-damaged infant does not have the capacities that ground our obligations to creatures of a certain sort, the reason we still feel the need to respect her is that she is a creature of the *sort* that has moral status. And I will argue that because of this, she *has that status* even if she lacks the characteristics *that ground* the status that is conferred on creatures of that sort.

[75]There has been much debate in the animal ethics literature concerning arguments about the moral status of kinds, particularly species-kinds [e.g., Peter Singer's, "All Animals Are Equal" (*Philosophical Exchange*, 1974) and Jeff Macmahan's "Our Fellow Creatures" (*Journal of Ethics*, 2005)]. It is usually argued that such arguments limit moral status without reason. The account I will argue for here is meant to show how kinds *can* matter for moral status, but that they do so in a way that ultimately expands, rather than contracts, the sphere of moral considerability (I argue elsewhere that the kind that respect recognizes is all beings that are "subjects of lives", and thus obligations of respect are not limited only to human beings).

So far, however, the claims about how our attitude of respect generalizes have been merely descriptive. That respect *should* be, and correctly is, a matter of responding to certain *kinds* of creatures, and not just to creatures that actually possess the status-conferring features, still needs to be established. How can we avoid the Safeguard Explanation, and argue that the infant actually deserves the respect that we show her? The answer lies in the way we have already analyzed the notion of respect for persons: cultivating the appropriate attitude of respect involves seeing all beings with a certain status as morally set-apart. But if we did not see all *human beings* as set-apart in this way, we would not be able to develop the correct attitude towards the creatures around which moral boundaries need to be set up: if we were required to respect only those people who are fully rational, we would develop an attitude of respect towards creatures only when they exhibit certain *features*, and not so much towards the creatures themselves, independent of the continued presence of those features. Thus, in order to develop the attitude of respect that was outlined in Section 3 (one according to which respect is owed to creatures with a certain status, even if they have lost the features that generate that status), it is necessary that we regard all human beings as creatures to be respected, because they are the kinds of creatures that in most cases have, or have had, the requisite feature. We will not develop the appropriate attitude (one directed at certain creatures regardless of the presence of certain features they possess) if we do not.

According to the analysis that I have given, respect is behaving in ways that display the correct attitude towards creatures in virtue of certain features that give them value; and 'the correct attitude' towards these creatures is the one that responds appropriately to that value. In practice then, having respect for creatures is a way of

navigating around those who are owed a certain kind of regard, who must be *seen* in a certain way. It is *both* having the attitude that is appropriate given the status of the creature (i.e., seeing the value that it possesses as constraining you in certain ways), and behaving in the ways that express that attitude. To function the way it needs to function, then, respect essentially involves seeing creatures as 'of a certain kind'. It is a way of pulling back from the particular details and consequences of a situation, and thinking, "This creature is an X (i.e., a creature that has this status), and so I must see it in a particular way (not as a mere object for my use, for example) and only perform those actions that are consistent with this recognition." Respect, then, functions as a way of classing creatures and then responding to members of that class appropriately.

Why does this mean that the brain-damaged infant is *owed* respect, and not just appropriately treated as if she is? So far, this may seem no different from the Safeguard Explanation. However, given that in order to be the attitude that it needs to be, respect must be a matter of recognizing status that is not dependent on the presence of important features, our reason for treating the brain-damaged infant with respect must be stronger than the Safeguard Explanation allows. The proper attitude of respect simply is seeing certain *kinds* of creatures as the sorts of creatures that need to be treated in certain ways. It is thus an important part of the practice that we not evaluate each creature individually for the presence of a value-conferring feature. If we do that, we will not have set moral boundaries up around kinds of creatures, but will have withheld our determination of moral status until each creature has been 'scanned' for important features. In the case of those in vegetative states, this will lead us astray; but even if we could reliably determine whether a person at one time had the important feature, the fact remains that doing this

evaluation will focus our attitude on features of the creatures that deserve respect, and not on the creatures themselves. Given how we generalize, then, our respecting creatures must essentially involve stepping back and seeing all creatures of a certain *kind recognized to have the feature* as having a special status, even if our generalization classes creatures who lack the feature that initially generates that status in with those that have it. In developing the correct attitude of respect, the class recognized will no longer be those that have, or are determined to once have had, the requisite feature. Rather, the class recognized will be creatures of the kind that normally have the features that generate the status.

It may seem that this is simply another way of saying that it is pragmatically useful to see the infant as being a member of the class of creatures to-be-respected, even when she isn't. However, the claim is not that it is important to see the brain-damaged infant as in the class of creatures-to-be-respected simply because we are afraid of making unwarranted moral exceptions. Rather, our reason for treating the brain-damaged infant with respect is *stronger* than that. It is not the case that the brain-damaged infant does not *deserve* respect, but it is pragmatically useful to treat her as if she does. Rather, because of her connection to the members of the class of creatures-to-be-respected who *do* possess the value-conferring feature (that is, she is recognizably of their kind), she acquires the status herself, because this status (given facts about how our attitude of respect functions) must ultimately be determined by being of a *kind* that normally has the value-conferring feature (this is a refinement of the account in Section 3). Admittedly, the reason for *this* is in a sense pragmatic. However, it is *not* the case that the infant does *not* deserve respect, but for pragmatic reasons is *shown* respect. Rather, she deserves

respect, even if the explanation for *why* she deserves respect rests on pragmatic concerns about how our attitude of respect functions.

In a way, then, this *is* a pragmatic concern, but it is a concern about developing the correct attitude. It is necessary to generalize from normal species-members in order to include all members of that species, because that is *how we must classify objects (given our psychology) in order to best give them a firm moral status*. But it is *not* pragmatic in the sense of being merely a useful (but mistaken) generalization that helps us to avoid certain negative consequences. It is not the case that we have an established practice of respect, and in order to safeguard this practice we must over-generalize a bit. It is not the case that the practice of respecting creatures that actually have status might be in jeopardy if we do not do this, so we must do it to avoid the negative consequences. Rather, this generalization is *required* in order to get the correct practice of respect going at all. If we do not make this particular generalization, we will not be able to achieve the attitude necessary for respect (as explained above). Being human, in the case of the brain-damaged infant, is morally important because human beings normally have certain features that generate moral status. And since having respect involves cultivating the correct attitude towards creatures that have this status, extending this status to *all* members of a species of which normal members have the valuable feature can reasonably be seen as a psychologically necessary part of cultivating the correct attitude. Only then will our attitude be one directed at creatures in virtue of being the sorts of things that demand our regard, and not towards the features that make them so. Thus, respect

recognizes the status of a group of creatures that are of a kind that is normally 'suffused' with the value of a certain value-conferring feature.[76]

At the beginning of this chapter, two major problems were identified as unavoidable in any attempt to give a theoretical grounding for obligations of respect, and the aim of this paper was to try to resolve them with a new analysis of respect. Given my analysis, we are better able to explain (1) how the practice of respect can be seen as directed at creatures themselves and not at mere features that they possess, and (2) how creatures are still owed respect even when they lose (or, because of defect, do not have) the features that ground the obligation of respect. However, there are still theoretical knots to be untangled in this account. For example, I still need to argue for which feature of creatures is the feature that 'suffuses' them with the requisite sort of value in order for respect to be owed. For the purposes of this chapter, I assumed that this feature was Kantian rationality, but this was assumed simply in order to make the structure of my analysis clear. For even granting this assumption and working within the Kantian framework, I have shown that there are good reasons that we have to respect the brain-damaged infant -- that is, we must actually respect her, and not for indirect or merely pragmatic reasons. However, I ultimately reject the Kantian value theory that identifies a very specific kind of rationality as the value-conferring feature, and I will argue in the next chapter that this feature is not Kantian rationality, but rather a basic subjectivity, or (to borrow a phrase from Tom Regan) "being the subject of a life".

[76]Of course, if a creature were "suffused" with the value of this feature but was not of a kind that normally is so 'suffused' – for example, a sentient plant – it too would need to be respected as having the value that the attitude of respect is meant to recognize. The arguments of this section are not meant to rule out the possibility that there may be creatures to whom we owe respect that are not of a kind that normally possesses the requisite feature. The views of this section and of Section 3 are meant to show how the attitude of respect is not required *only* in such cases.

Chapter Five

The Objects of Respect

Section 1: Two Reasons to Move Away from Kantian Value Theory

In the last chapter, I offered a formal analysis of respect according to which respect is owed to creatures that are of a kind that normally has a value-conferring feature (that suffuses the bearer with value), even if they themselves do not have it or have lost it. In explaining this formal structure, I argued that respect is a way of responding to *kinds* of creatures, and that respect is best understood as a way of responding to a class of creatures (where that class of creatures is seen as having a specific kind of status).

In arguing for this formal structure, I assumed Kantian value-theory in order to identify a specific value-conferring feature of creatures that gives creatures of their kind the requisite status. That is, I assumed Kantian rationality as the feature that suffuses creatures with the value requisite for respect. However, the formal structure for which I have argued does not require this identification – the structure will remain the same (and can stand as an analysis of respect) even if we identify a different feature as the one that is requisite for status.

Is Kantian value-theory correct? Is it, in fact, the best candidate for what marks some creatures out as having a particular status? In order to answer these questions, we should first discuss what motivation we might have for thinking that Kantian value-theory is right. I will argue that there are reasons for rejecting Kantianism in this regard,

and will offer arguments for identifying a more basic and inclusive feature as the one requisite for respect. Ultimately, I will argue that a basic sort of subjectivity (or "being a subject in the world") is the feature that suffuses its bearer with the value that respect recognizes. But before I argue for this, I will argue that, despite its appeal, Kantian value-theory is inadequate for giving content to the formal structure of respect outlined in the last chapter.

The formal structure for which I have argued draws heavily on Kantian ideas about respect, and about its place in morality. The claim that respect is a response to unconditional worth, and that it functions by setting moral boundaries up around this worth -- both as regards our attitudes and our behavior – is a Kantian claim. My basic analysis of what respect is, and the role it plays in our morality, is Kant-inspired. However, the Kantian analysis encounters various difficulties (as does any analysis that attempts to theoretically ground accounts of respect of this kind), and my formal analysis is an attempt to preserve some basic ideas about what respect is, while offering a new analysis of its formal structure that avoids these difficulties. However, in order to avoid these difficulties, my analysis pulls farther and farther away from the basic Kantian framework that inspired it – ultimately, the idea that respect is very *loosely* grounded in the possession of a value-conferring feature (so loosely that creatures that have lost the feature, or that have never had it, are still owed respect) is very far removed from Kant's analysis, and is in tension with it at several points.

Despite the fact that this formal analysis pulls away from traditional Kantianism, one might be tempted to say that the value-theory underlying the basic ideas that I want to preserve is a good one. On the Kantian analysis, we have good reason to think that the

majority of human beings deserve respect, because the majority of human beings have the feature requisite for Kantian respect – they are autonomous legislators of the moral law. What's more, Kant has a complicated and subtle story for the claim that this ability is the sort of thing that deserves respect – he identifies the moral law as the only thing with unconditional worth, and the capacity to legislate that law as derivatively valuable. Thus, this capacity is a fact about people that deserves special attention – it requires us to have a certain attitude, and behave in certain ways, when that capacity is present. Kant's value-theory, then, is a reasonable explanation for why most human beings are the sorts of things that we cannot treat in just any way we wish – they have a certain capacity that must be given due regard in our dealings with them.

I will argue, however, that we have reason to reject the story that Kant has offered us. The idea that there are certain kinds of creatures that must be treated in certain ways (no matter what) is one I wish to preserve, and I have elsewhere argued for a formal structure of respect that preserves at least this idea. But we should reject the idea that Kantian rationality (which is possessed only by human beings on this planet) is the feature that makes an individual or kind of creature worthy of respect.

There are two main reasons to reject Kantian value-theory. First, Kant's argument for identifying unconditional worth in the moral law and in the capacity to legislate it is unsatisfying. I will argue that Kant's argument, and Kantian attempts to bolster this argument, ultimately fail. In light of this failure we must go back to the drawing board and look for some other feature that gives creatures the kind of value that we honor when we respect them.

The second reason for rejecting Kantian value theory is that the identification of Kantian rationality as the feature required for respect leaves non-human animals completely out of the account, and as a result, Kantianism is notorious for not being able to give a satisfactory explanation for why we cannot do whatever we wish to non-human animals. Since Kant's arguments for restricting the obligations to human beings are ultimately unsuccessful, we should go back to the drawing board and identify the value-conferring feature of creatures in a different way, one that includes (at least some) non-human animals in the class of creatures-to-be-respected. Doing so will better identify the value in other human beings that respect is meant to recognize, and it will also help capture our intuitions about the importance of caring about non-human animal welfare. Ultimately, I will argue that basic subjectivity (or "being the subject of a life") is such a feature. It is a good candidate for the feature that makes a creature the *kind* of thing that must be respected.

Section 2: The Standard Kantian Arguments for the Value of Humanity

Before launching fully into my positive account of the general way in which Kantian-style concerns about respect can be expanded to non-human animals, we need to take a closer look at Kant's arguments for restricting the sphere the way that he does. This was discussed in Chapter Three, but I will revisit it here in more detail; specifically, I will challenge the core Kantian notion that it is as sources of value that autonomous moral legislators alone garner respect.

Before I begin, though, it is important to note that there is a great deal of discussion and debate concerning exactly what Kant's arguments are in this regard.

Here, I will restrict myself to discussing two main ways to understand Kant's arguments – I am indebted to Adrienne Martin's recent article, "How to Argue for the Value of Humanity"[77] for the helpful classification of these two main interpretations. Martin identifies the first (and standard) interpretation as the "Valued Ends" argument, and offers a different interpretation that she identifies as the "Autonomy" argument. First, I will briefly discuss the standard interpretation (versions of which are argued for by Allen Wood and Christine Korsgaard[78]), and then I will discuss the alternative interpretation that Martin offers.

In order to understand Kant's position, it is first essential to understand the way that he conceives of value. According to Kant, value is not something independent and objective in the world; value does not merely exist in the world, to be responded to and appreciated by rational beings. Rather, value arises from the willing of rational beings; by willing the achievement of some end, we confer value on it. For Kant, this does not mean that our mere desire for something makes it valuable – rather, the claim is that our valuing something is the condition under which it has value. That is, it is not the case that things "just have value", and our valuing them recognizes that fact. Rather, the fact that we value something is the condition under which it has value at all. Thus, on Kant's view, value is valuer-dependent, since things do not have value unless there are possible valuers to value them. This does not mean that all value is contingent, though. There

[77]Martin, Adrienne M. "How to Argue for the Value of Humanity" *Pacific Philosophical Quarterly*, 87 (2006): pp. 96-125.

[78]See Christine Korsgaard, "Kant's Formula of Humanity", in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), pp. 106-132; and Allen Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), pp. 111-139.

must be something that is necessarily of (non-valuer dependent) value in order for valuer-dependent value to arise.

So far, the 'Valued Ends" argument and the "Autonomy" argument are not distinguished – they both presume this basic idea of value as being valuer-dependent. However, it is in the details of what this fact means for the value of the *valuer* that the two begin to be distinguished.

According to the 'Valued Ends" mode of interpretation, the *act of valuing* will have a special sort of value simply because valuing confers value – on this sort of view, since the rational willing of ends as valuable is the condition on which anything in the world has value, the capacity to will in this way has value. On Korsgaard and Wood's versions of this view, what confers value in this way is the rational willing of an autonomous agent[79]; since something only has value if it is an object of the rational willing of an agent in accordance with this law, this willing must be the ultimate source of the value. In other words, the source of whatever has value must have value itself. The capacity to confer value must have value.

What does all of this rarified terminology actually mean, though? For Kant, the claim that the moral law alone confers value is a complicated one, and versions of the "Valued Ends" argument vary according to how this claim is interpreted. The core idea in the claim that the ***moral law*** alone confers value seems to be that only as an end set by a *universally prescriptive* will can value be conferred. Only in the universalizable willing

[79]There is debate about whether emphasis should be put here on the fact that the will is morally legislating as opposed to merely rationally end-setting. Korsgaard emphasizes the morally-legislating character of the will as vitally important to the claim that willing confers value, whereas Wood de-emphasizes this and focuses more on the will as a rational end-setter. The difference does make a difference, but I will not go into great detail here about what *sort* of difference this makes – the basic argumentative strategy is still the same.

of a rational agent is value conferred. But why the *moral* law? One might be tempted to think that our mere willing or wanting is enough to confer value – but, for Kant, it is not. For Kant, there is a normative force to the willing of a rational being – when one wills, one implicitly wills for all. That is, the content of one's willing is *not* just, "I will to pursue this, and so it is valuable". Rather, one's willing implies, "This ***is*** worth pursuing, and so it is of value, and worth pursuing by ***all who have a will like mine***." That is, one's willing is universally prescriptive, in the sense that it is generalizable to others. That is, even if particular facts about what I want justify my willing, the way that I will must be generalizable to any others for whom those particular facts would also hold.

For Korsgaard, the universal prescriptivity of the rational will is understood on the model of legislation: the rational willing of the moral agent is constrained by the acknowledgement that when one wills, one not only wills for oneself, but legislates over all other wills as well. That is, I recommend my willing (in the form of an "ought") to all others, and am constrained by this recommendation, and am obligated to others (and by others) in accordance with the mutual recognition of this constraint. However, Wood understands the universal prescriptivity of the rational will a bit differently – he agrees with Korsgaard that the will is universally prescriptive in this way: when I set an end and will the means to that end, I judge the end to be good, not just for me, but for all who have wills like mine. When I set an end through reason, I think that doing so is justified not only for myself, but also for anyone else who wants the same thing, in the same circumstances. That is, I think that anyone else who wants this same thing in the same circumstances should will as I do. Another way of putting it is that I don't take my willing to be justified because it is *my* willing – I think the reason it is justified applies to

all who have wills like mine. In this sense, I already conceive of my end as universally valuable. However, Wood does not emphasize the ***morally legislative*** nature of this willing – he does not emphasize the recognition of this universality as constraining and obligating our wills. Rather, he thinks that rational willing is universally prescriptive merely by the fact that it is rational end-setting – that is, Wood argues that in the act of willing the end, we conceive of this willing as rational for all wills like ours, but he does not conceive of this universality as dependent on the legislative nature of the will (i.e., he does not see this willing as universal in virtue of the fact that it is in line with the constraints of the moral law).

Of course, there are subtleties here – for example, there are ends that, as an autonomous rational legislator, I think that all must have, and in setting/willing the achievement of those ends, my willing implies that all others have reason to set/will the achievement of these ends (categorical ends)[80]. On the other hand, there are some ends that are hypothetical (they depend on what I want), but even willing these ends involves universal legislation on my part. If I want to watch "Masterpiece Theatre", then I have reason to set this as an end and do the things that will enable me to watch it – and I will see these things as good/valuable/to-be-done given that I want to watch the program. Of course, someone who does not want to watch "Masterpiece Theatre" has no reason to do the things that will enable her to watch it – but at the very least, when I will to do the things that will enable me to watch it, my willing does imply that all others in this situation, with desires like mine, have reason to do what I do and to see the end as valuable. Because of this, my setting an end and willing the means to that end is universal legislation – the rationality/justification of my willing in this way holds for all

[80]I am following the Korsgaard interpretation in illustrating this subtlety.

with rational wills. And by setting an end, I deem it as valuable – I see it as something "to-be-willed". This can be hypothetical on my desires (it is to-be-willed if you want what I want/like what I like) or not, but in willing it I judge it to be of value. Because of this, one's willing is by its nature universally normative.[81] And it is because of all this that Kant sees the moral law as the source of value. It is in the act of legislating certain ends that we present them as universally valuable and to-be-willed (and even though not all willing is moral, it is all constrained by the moral – so value is conferred by a will that is by nature morally legislating, since its legislation is always constrained by the moral law).

The "Valued Ends" argument, quite simply, is that whatever is the source of value has unconditioned value – and this is equated with being an end-in-itself. The idea is that there must be something that has value in this way if valuer-dependent value exists, and the only candidate is the legislation of rational beings.[82] And it is as legislators of this will that we are seen as ends-in-ourselves – our ability to do this makes our rational wills sources of value, and so valuable in-themselves.

This "elimination" argument, though, is not the only one that Kant offers (i.e., that it must be the case that something is an end-in-itself, and the only thing that qualifies, given presuppositions about value, is autonomous moral legislation). He also claims that human beings necessarily conceive of themselves as ends-in-themselves, and so on pain of contradiction, they must view all others with the same sort of capacity as ends-in-

[81] Here is an example of where the difference makes a difference – this is the Korsgaardian line, but Wood would argue that merely setting an end through reason already involves seeing that end as universally valuable, without emphasizing the *morally legislative* character of the will.

[82]Kant, Immanuel. *Grounding for the Metaphysics of Morals* (in Ethical Philosophy. 2nd Edition. Trans. James Ellington). Indianapolis: Hackett Publishing Company, 1994, p. 41.

themselves as well.[83] It is because of the necessity of seeing ourselves this way that we must see others this way – and this is offered as another reason to identify humanity in general as ends-in-themselves. In formulating an alternative to the standard arguments for the value of humanity, Martin focuses her attention on this second argument. This general strategy, supplemented with a fresh notion of autonomy, forms the basis for her alternative to the "Valued Ends" argument.

Section 3: Martin's Alternative Argument for the Value of Humanity

One of Martin's motivations for rejecting the "Valued Ends" argument is that it saddles one with claims about value to which one shouldn't want to commit. According to Martin, the argument commits one to the dubious claim that if something can only acquire value through its connection to something else, then that other thing necessarily has unconditional value. Why think that just because value only enters the world through legislation, that legislation is itself unconditionally valuable? For example, the only way that paper acquires monetary value is through its production in an authorized mint. But it seems strange to say that the only way that a mint can give the paper that value is if the mint (or those who run it, or those who give them the authority to run it) has some sort of unconditioned value. It merely has authority. Of course, monetary value is a different sort of value from the one we are discussing, and there may be important disanalogies. The main point, however, is that the presupposition that the source of value must have unconditioned value seems unwarranted. And although Martin's argument is more complicated and detailed than I am describing it here, I offer this (for the sake of brevity), as the main point of divergence between the two interpretations because it seems to me

[83] See *Ibid*, p. 36.

that *this* is indeed the weak link in the standard interpretation. Being the source of value in the world doesn't seem to necessarily entail that the capacity by which you confer value has unconditioned value.

Martin thus abandons this standard form of argument, and offers a different interpretation of the value of humanity that focuses more on Kant's second argument (according to which one necessarily conceives of oneself as an end-in-itself, and thus must conceive of others similarly). Martin's strategy is to argue that instead of thinking that because we are sources of value our valuing ***must*** be an end-in-itself (i.e., of unconditional value-in-itself), we think of ourselves as ends-in-ourselves because that is what thinking of ourselves as autonomous involves. Says Martin, "I want to argue that a rationally necessary conception of ourselves implies a conception of ourselves as ends in ourselves. It is not that our autonomy is the source of something valuable and thus must be valued. It is not, in fact, that our autonomy is valuable. Instead, *to be autonomous is* (inter alia) *to be an end in itself*. The autonomous *being* is valuable."[84]

According to Martin, Kant's argument in the *Groundwork* hinges on the idea that we necessarily conceive of ourselves as autonomous, or free (See Section III of *Groundwork*), and this involves necessarily seeing ourselves as ultimate ends. Why? According to Martin,

> An autonomous person is, in simple terms, self-governed. For Kant, we are only truly self-governed when we act not for the sake of something we desire, but because pure practical reason alone tells us to act as we do…The will is autonomous only if it is guided *by* itself, and Kant thinks the will is self-guided when it adopts a maxim not because of what the *object* of the maxim is like, but because of what the *maxim* is like.[85]

[84] *Ibid*, p. 116.

[85] *Ibid*, p. 115.

In other words, being autonomous, for Kant, involves one's adopting maxims because one judges them to be rationally prescribed in some way. Only then is one free from the non-rational motives that seem to push and pull one in non-self-guided ways.

In her argument, Martin focuses less on the idea that autonomy requires seeing one's maxims as rationally required and completely divorced from desire (for she thinks this commits us to the wrong-headed view that all actions motivated by desire are in some way not free – that is, that being moved by desire is necessarily to be moved by something alien to the rational self that one truly is), and more on the notion that it involves being *self-guided*, where being self-guided means being guided by motivations that one conceives of as part of her core self-conception. Says Martin,

> …we can agree that we are capable of acting in ways that are more and less expressive of ourselves. Even if we do not believe that all objects of desire are 'outside' or 'alien to' our core selves, we can agree that some sources of motivation are…it should suffice for my current purposes to say the following: *To think of oneself as autonomous is to think of oneself as determining one's own actions, in the sense that one's motives are not dictated by interests, sanctions, or incentives alien to one's core self.* [86]

For Martin, then, being autonomous involves not being guided by considerations that are alien to one's core self, where one's core self is "the values she takes to be most essential to her self-conception, or – to borrow some language from Harry Frankfurt – values with which she 'wholeheartedly identifies'".[87] It is this idea of autonomy that Martin thinks undergirds the Kantian obligation to see others as ends-in-themselves. This, according to Martin, is because we necessarily think of ourselves as autonomous in

[86] *Ibid*, p. 116.

[87] *Ibid*, p. 116.

this way, and this conception necessarily includes seeing ourselves as ends-in-ourselves. Says Martin,

> Actions are determined by maxims, so autonomous actions must be determined by 'autonomous' maxims (so to speak), which must in turn be determined by values with which the agent wholeheartedly identifies. Thus, the *material* for an autonomous maxim must come from the values with which an agent wholeheartedly identifies. It's worth noting that a value constitutive of the agent's core self may often serve as an ultimate rather than an immediate end of her action…Suppose my career is a crucial means I have chosen to develop my intellectual or creative abilities, and that developing these abilities is an integral part of my core self. Then, in doing something for my career, a value I take as constitutive of me is my ultimate end. In a sense, then, I am my own ultimate end. To be an end in itself is to be not just an ultimate end, but an unconditional end, which is an end in all conceivable circumstances. If Kant is correct that I must implicitly think of myself as autonomous every time I act, then I must implicitly think of myself as my ultimate end every time I act. Thus there are no conceivable circumstances where I adopt an end where I don't also implicitly take myself as my ultimate end…To conceive of oneself as one's ultimate end in all circumstances just is to think of oneself as an end-in-itself. Thus, whenever we act, we take ourselves as ends-in-ourselves.[88]

Here, Martin identifies autonomy with being motivated by values we see as essential to our core selves, which she further identifies with taking oneself as one's ultimate end in all conceivable circumstances of maxim adoption. Given that we necessarily see ourselves as autonomous in all acts of willing, and given that this involves necessarily taking ourselves as ends-in-ourselves in all such acts, we necessarily conceive of ourselves as ends-in-ourselves.

The main point here is that given that we are autonomous, our maxims must be adopted in line with a core self-conception. That is, our maxims cannot be seen as adopted because of values or motives external to (or not endorsed by) us, compelling us

[88] *Ibid*, pp. 116-117.

from the outside. Rather, autonomy requires that our maxims and ends are rationally chosen in accordance with our core values, etc. – and, according to Kant, we necessarily see ourselves as autonomous in this way. According to Martin, seeing ourselves as adopting maxims in line with (or because of) values core to our self-conception also means taking ourselves as our ultimate ends – our maxims are adopted, spring from, the values we endorse, and so in some sense *we* are the ends of those actions (because the set of values we endorse, etc. just is our core self). And this, according to Martin, means thinking of ourselves as unconditional, ultimate ends of our own actions. That is, if we are autonomous, we must conceive of our ends as ends that we freely choose in accordance with what we value. And that means thinking of ourselves – or our core valuing selves – as the ultimate ends of our actions.

Basically, the idea is ***not*** that humanity has the unconditional worth of an end-in-itself because it is the source of value, but that humanity has this unconditional worth because, given the necessity of seeing ourselves as autonomous, we cannot but conceive of *ourselves* as having this worth (as being ultimate ends). In adopting maxims that spring from our core values, we endorse those values as the rational ends of our actions, and this means seeing the selves that these values comprise as ends-in-themselves. And, according to Martin, the necessity of seeing ourselves this way generates a requirement to respect others because we must see that others, identical to us in autonomy, are ends-in-themselves in the way we are, and so their worth must also be respected.

Section 4: Why Both of these Arguments Are Unsatisfactory

Although Martin's argument successfully avoids one of the pitfalls of the "Valued Ends" argument (the dubiousness of positing the unconditional value of a capacity because it is the only source of conditional value), it still faces two related difficulties. Martin's view, similarly to the "Valued Ends" view, rests status as an end-in-itself in the capacity to set ends for oneself. Although her argument gives us good reason to think that *we have to think of ourselves* as ends-in-ourselves, and thus that we have to treat other rational beings as if they are, it gives us less of a reason to think (1) that we actually *are* such ends, and (2) that we are uniquely ends-in-ourselves. Just as on the standard interpretation, Martin's conclusion arises out of a commitment to the idea that the source of value in the world is the valuing of rational beings, and status as an end-in-itself (something with unconditional worth) depends on the capacity to do this. Both views, committed to this idea of value (since it is a core Kantian view), unravel the notion of an end-in-itself (or value-in-itself) from this initial starting point – value must come from, or be in some way related to, doing this. But Martin's view, in avoiding the problem of explaining the value of valuing by identifying objective, unconditional value in the *sources of value*, gives us only a reason to think that we cannot deny to others the status *we afford ourselves*. But from the fact that we have to conceive of ourselves as, and set ends in such a way that we are, our own ultimate ends, it does not necessarily follow that we *are* ends of that sort.

The standard interpretation, in conceiving of sources of value as the explanatory link, gives us a reason (albeit a dubious one) to think that the capacity *has* to have value (if value is to exist at all). Martin's view, of course, is similar in that she wants to say

that because value only comes from rational end-setting, valuing ourselves as the ultimate ends of all this valuable end-setting means that we must value others as such. Such a view avoids the pitfalls of positing some unconditioned, objective value. But since this account generates an obligation based on how *we necessarily conceive of ourselves*, it leaves open whether we, who necessarily conceive of ourselves this way, actually have the value that that implies (since this *conception* alone is what establishes the value-claim). From one perspective, this is an advantage of the account. But it is also one of the problems with it, since this essentially means that autonomous beings have "ultimate value" here by fiat – since they necessarily take *themselves* to be the ultimate ends of an end-setting process that alone establishes value, they must see all other end-setters as being ultimate ends as well.

One might simply deny that this fact is troubling, since whether or not rational beings have been shown to have unconditional value, the account succeeds in explaining the obligations that it is meant to. However, the fact that Martin's argument does not establish the ultimate value of rational beings generates the second problem identified above. For even if the way in which we necessarily see ourselves establishes an obligation to others who necessarily conceive of themselves the same way, it does not rule out the possibility that there are others to whom such obligations are owed. Such an account establishes one ground of obligation on pain of inconsistency, but does not rule out the possibility that respect is owed to other sorts of creatures, too. Even if we assumed that our conception of ourselves as ends meant that we *actually* have ultimate value as ends, it could still be (on such an account) that we are not the only ones with this sort of value. Other beings that see themselves as ends are simply the ones who, *on pain*

of inconsistency, we must necessarily recognize as being ends and having whatever value that implies. But without the anchor of identifying valuing as the only *conceivable* unconditional value (as does the "Valued Ends" view), it seems arbitrary to identify autonomous beings as the only ends-in-themselves.

What these Kantian strategies share is the claim that value only enters the world through a specific source or process (rational end-setting), and this turns out to be the key to figuring out what the unconditional worth that respect recognizes is. Specifically, these strategies start from the intuition or idea that all human beings deserve basic respect, and then from there try to determine how or why this could be true. However, I think that the explanation that emerges focuses the issue incorrectly. Very basically, the explanation is that only rational beings can be the direct objects of the obligation because only their rational activity can generate it. But consider again what this means for the status of non-human animals -- they cannot be sources of value (or ultimate ends, to take Martin's vocabulary) in the way that human beings are because they do not have the sort of legislative wills that human beings do. They do not reflect on, and revise, their choices – they do not see them reflectively as choices, as endorsements of something (or some action) as worthy of pursuit (i.e., as valuable). Because of this, they do not endorse their choices in a way that can be reasonably described as universal legislation. Since this ability alone is important for identifying value on the views just described, non-human animals just are not the sorts of things that are ends-in-themselves. The basic Kantian strategy focuses the question of who is owed respect (or of who has the value respect recognizes) on they way in which we are rationally required to view and treat those who are as rational as we are -- either as co-legislators, ultimate ends, or ultimate

sources of value. And this means that our obligations seem to end with other rational beings. This is counter-intuitive – no matter what obligations one thinks one has to non-human animals, the Kantian view cannot satisfactorily account for them. But I think this way of focusing the question is not the only way, nor is it the best way.

Section 5: Why Kantian Accounts of Duties Regarding Animals are Unsatisfactory

This problem leads us directly to the second reason to reject Kantian rationality that we identified earlier; that is, the fact that Kantian value-theory has the consequence of leaving non-human animals outside of the moral sphere. If Kantian rationality is the feature that makes a creature of the kind that is to-be-respected, then no non-human animals have the value requisite for membership in the class. As far as we know, human beings are the only kinds of creatures that represent actions as "to be done" or "not to be done" (in the moral sense of "to be done"). Thus, human beings are the only kinds of creatures that we know of that legislate the moral law to themselves. And even if there are other creatures in the universe that do this (Kant explicitly leaves the door open for the existence of non-human rational beings of which we are not aware), it is clear that the vast majority of sentient beings on Earth do not do this. Evie, my cat, clearly does not operate according to representations of moral law – she operates on instinct and means-end reasoning only (loosely understood). Even if we anthropomorphize Evie, and suppose her actions to betray a complicated emotional life, this is not yet the robust awareness and legislation of actions as falling under moral law that Kantians identify as valuable. Thus, Evie would not have the requisite value required to garner respect, for she does not have the feature that would suffuse her with value, and her lack of it is not a

result of defect (for no cat has it). Thus, I would have no obligations of respect towards Evie.

There may be some non-human animals with which we are familiar (the higher primates, for example), that do in fact represent the moral law to themselves, and who would thus have the requisite feature required for respect to be owed. Any Kantian view would allow (as Kant himself did) that if we found out that there were non-human rational beings, we would be obligated to them as we are to each other. Thus, Kantianism is committed to including any *sufficiently rational* being among those creatures that must be treated with respect – and so any Kantian view would allow that if scientific discovery revealed chimpanzees to us as being such creatures, we would have to respect them. However, the fact still remains that the vast majority of non-human animals do not seem to be even *promising candidates* for being sufficiently rational, and it seems unlikely that science will discover that they are. On a Kantian view, then, such animals will not be objects of respect – sadly, Evie is a prime example of a non-human animal that will likely never be found to represent the moral law to herself.

Of course, some may not be troubled by this fact – it could be argued that my obligations to Evie are not properly thought of as obligations of respect anyway, and are merely the sorts of obligations one has to something under one's care. Or, one could argue that treating her well is just what a decent person would do, etc. So one may argue that there is no reason to worry that these are not obligations of respect, and thus we do not need to alter our account to try to make them such.

However, if we look closely at Kantian value-theory, and at the role that respect plays in our morality, the fact that non-human animals are not objects of respect looks

more serious. The way that respect functions in our moral lives is that it carves out boundaries around certain kinds of creatures – it marks out certain creatures as needing to be treated in certain ways. If we take Kantian value-theory seriously, the only thing that has unconditional worth is the capacity to legislate moral law – thus, only things with this capacity must be treated as ends, and not as mere means. If we take Kantian value-theory seriously as identifying the requisite feature for respect (even with the adjustments that the new formal analysis has made to how it marks out certain creatures as to-be-respected) the fact remains that the only things marked out as having the kind of worth that respect recognizes are those that either have this feature, have had this feature, or are of a kind that have it. This means that since non-human animals do not have this capacity, there is no sense in which they have value that is robustly non-instrumental. Even if we insist that we *want* to treat non-human animals well because we love them, or because we owe them care if we take them in, etc., the fact remains that this obligation is generated by our desires or by our relationships, and not by facts about the creatures themselves. This means that our "obligations" to these creatures can disappear if our desires or relationships to them change.

That we have obligations of respect to some creatures, though, seems to be insurance that at least some of our basic obligations to creatures have a stronger foundation than the capriciousness of our desires, or the contingency of our relationships. Because of this, if respect does not extend to non-human animals, they are not really *inside* the moral sphere. They are outside of it in any strong sense, and the only way in which we can think of them as inside it is in relation to the desires of those that are firmly inside it. Thus, in marking out basic limits and requirements on actions and behavior,

having respect is a way of drawing very basic moral boundaries, and it is a serious matter if creatures that seem to deserve any kind of robust regard are outside that boundary.

Again, some might not be troubled by this fact. Some might argue that thinking that animals are robustly the objects of moral regard, as opposed to being derivatively so because they are *things we care about*, is stretching our obligations too far. For example, one could argue that it would seem insane to insist that we couldn't kill hundreds of rats in order to save a human life, because our intuitions are *not* that rats deserve any sort of robust moral regard. One could argue that we think that non-human animals should be treated humanely since they can feel pain, etc. (and so we don't want them to suffer unnecessarily), but that some of the stronger obligations we owe to human beings (obligations of just and fair treatment, respect, etc.) are just not proper responses to non-human creatures. Ultimately, one might argue, non-human animals are mere objects, even if we want to treat them well. Thus, the fact that Kantianism leaves non-human animals outside the moral sphere, and can only bring them in derivatively according to our strong desires to make sure they are not tortured, etc., seems perfectly reasonable.

However, such a response seems to fail to capture our intuitions about *why* it's bad to treat non-human animals inhumanely. Our insistence that non-human animals not be tortured, for example, does not seem to be solely an outgrowth of *our* desires about how they should be treated, but seems to have to do with facts about *them – they* feel pain, *they* suffer, etc. Even if our desires are part of the reason that we have a strong reaction to the thought of a non-human animal being tortured, the fact remains that our desires are more reasonably seen as responses to facts about the animals themselves, rather than posited as the sole ground of our obligations.

For example, it is definitely true that we do not want to see non-human animals tortured, but our intuition that they *shouldn't* be tortured, and our desire that they not be tortured, seems to stem from recognition of facts about them. The reason for not torturing them does not seem to stem from facts about us (our desires), but, rather, these facts about us seem to stem from recognition of facts about the animals. The fact that animals feel pain, can suffer, etc., is what generates our desire that they not suffer needlessly, and so any account of our obligations towards non-human animals that rests that obligation in facts about us seems to ignore the *origin* of those facts about us. It is because there are specific facts about non-human animals that our desires are what they are -- and the reason these are *morally salient* facts is that these facts (the ability to feel pain, etc.) are facts that we see as morally salient in our own case. And so it seems reasonable to think that our insistence on humane treatment for animals is not simply an outgrowth of our desires, but is an outgrowth of facts about the non-human animals themselves, facts to which our desires are responsive. So the claim that it is reasonable to think that our obligations to animals are not as deep as our obligations to human beings, simply because it seems that they can only be grounded on our desires concerning them, fails to capture the strength and character of our intuitions regarding non-human animals. Specifically, it fails to recognize the fact that there is something about the animal itself that calls for our regard.

Section 6: What a Good Account Must Look Like

Despite the fact that Kantians have a notoriously hard time accounting for our intuitions, one could still argue that anything stronger than the *practical conclusion* that

they come up with is too strong. One may be unsatisfied with the Kantian strategy for explaining obligations of humaneness, but still think that obligations of basic humaneness are all that we owe to non-human animals. One possible line of response here, then, is that even if I am right in claiming that Kantians derive our obligations incorrectly, they at least describe the ***content*** of those obligations correctly.

For example, consider how a non-Kantian might derive a similar obligation. A hedonistic utilitarian might argue that the reason we need to treat animals kindly is because their pleasures and pains weigh equally in the scales with like pains and pleasures of ours.[89] Thus, we should never cause them pain unless the consequences are so great as to outweigh the suffering that is caused (as may be the case with medical experiments of great importance that cannot be carried out without causing non-human animals some pain). On this sort of view, our obligations to animals will only be obligations of humaneness because of the kinds of creatures that they are. Such an account of our obligations to non-human animals is stronger than the Kantian one, and avoids the problem mentioned above (since facts about the animals *themselves*, rather than our desires concerning them, generate our obligations to them), but the **content** of the obligation is pretty much the same – it is an obligation of humane treatment. And so it seems that the hedonistic utilitarian response gets something right that the Kantian account above gets wrong, while at the same time still managing to capture the commonly-held idea that non-human animals are not as important as humans (since on such an account, the complexity of human experience trumps non-human animal

[89]Of course, there are many kinds of utilitarians, and there will be many variations on how a utilitarian deals with obligations to non-human animals. However, the basic strategy taken will be roughly the same -- non-human animals experience the world in a way that is morally relevant (they have interests, have preferences, feel pain, etc.), and these experiences must be weighed along with like experiences when we are determining what sorts of actions we can take.

experience where the former is compromised). Thus, one could argue that the conclusion the Kantian comes up with is correct in spirit – we don't have obligations to non-human animals that are as robust as the ones we have to humans – but argue that the strategy the Kantian uses weakens the obligations too much. The hedonistic utilitarian response, then, would seem to fix some of the problems with the Kantian response, while preserving some of its virtues.

Thus, one could argue that the problems with the Kantian account are mainly theoretical, and that any attempt to fix these theoretical problems so as to strengthen the obligation (i.e., by saying that we have obligations of humaneness to animals in virtue of the kinds of creatures that they are) may run the risk of strengthening the obligations too much. That is, one could argue that trying to solve the Kantian problem of obligations to non-human animals in such a way as to make the obligations arguably too strong is much more counter-intuitive than the original account in which they are arguably too weak (for, one could argue, it seems counter-intuitive not to think we have obligations of humaneness to non-human animals, but it is much stranger to think that we have obligations to rats that are as strong as those we have to children). It would be better, one might argue, to alter the Kantian account (if one wishes to retain a Kantian account of obligations to non-human animals) so that being humane is not so *derivative* an obligation (that is, that it is grounded in facts about the animals themselves), rather than to argue that our obligations to non-human animals are on a par with our obligations to other human beings. For doing the latter, it might be argued, would fail to preserve the important idea that it is obligations of *humaneness* we are trying to strengthen, and not moral obligations more generally. So, the lesson one might draw from examining the

hedonistic utilitarian response is *not* that we need to strengthen the content of our obligations to non-human animals (that is, make them more then obligations of humaneness), but that we merely need an account of them that grounds the obligation of humaneness in facts about them rather than in our desires.

Of course, I do not think that this is enough. In order to argue for why this is inadequate, I will begin by describing what I take to be the most important strengths and weaknesses of the hedonistic utilitarian and Kantian arguments. In discussing the ways in which the one goes right and the other goes wrong (and vice versa) I hope to elucidate the direction in which I think our account should go. Let me begin with the hedonistic utilitarian argument.

The hedonistic utilitarian argument operates on the assumption that the morally important thing that non-human animals share with human beings is that they feel pain, discomfort, anxiety, etc. The reason that this argument (i.e., that it is humaneness that matters when it comes to non-human animals and nothing more) succeeds where the Kantian account does not is that it rests on the assumption that the morally important thing that we share with non-human animals is a way of experiencing the world, and that they experience this on a *lower* level than we do. Why should the lives of children matter more than the lives of rats? Presumably, according to this account, it is because what's morally important is experienced more robustly by children than by rats. Of course, the hedonistic utilitarian thinks this because she thinks that *all* that is morally important is this character of experience (varieties of pleasure/pain, etc.), and since a non-human animal has a lower level of this experience its pleasure/pain will often matter less. One could, of course, hold a slightly different utilitarian view by asserting that things other

than pain and pleasure are morally important, but that non-human animals don't share those other things with us at all, so our obligations to them will be responses to only one out of many morally salient features of beings (and so these obligations will again be weaker or fewer, because they involve only a part of what is morally important). Either way, the idea is still that whatever qualifies animals for some kind of moral regard, it is something that we share with them, but that we experience or participate in more fully or robustly.

The reason that the Kantian gets into trouble is because she thinks that what is morally important is something that non-human animals do not share with us at all – i.e., autonomously legislating moral law. A utilitarian seems better able to capture our intuitions, since she thinks that animals *do* share something morally relevant with us (thus making our obligations to them less derivative). However, the problem with the hedonistic utilitarian response (as I will argue below) is that it focuses on something that seems to misidentify what is morally important. On this issue, it seems that the Kantian gets something right that the utilitarian gets wrong -- namely, how our obligations are grounded. So the hedonistic utilitarian seems better able to capture our intuitions about why non-human animals matter morally (that is, that there is some fact about them that qualifies them for regard), but at the cost of misidentifying the reason why they matter. Even though the Kantian account describes obligations to non-human animals as purely derivative, I will argue that their account of what is morally important about human beings seems closer to the truth. It seems that the Kantians identify the source of these obligations better (and thus give a better account of what these obligations are), at the

cost of not being able to adequately derive obligations to non-human animals, while the utilitarians have the opposite problem.

Why think that the Kantians identify the sort of ground that our obligations have better than the hedonistic utilitarians? Consider our intuitions when it comes to human beings – why do we think we have certain kinds of obligations to them? We surely think that causing them pain is a very bad thing to do, but we think we have obligations to human beings that go beyond a requirement not to cause them pain, or frustrate their interests, etc. In previous chapters[90] I have argued that respect is a way of recognizing that there are things that should not be done to certain creatures simply because they are the kinds of creatures they are, whether or not it would cause them pain (or would bring about great consequences). Respect, then, is a good example of a moral attitude that recognizes obligations that don't rest on consequences, pleasures/pains, etc. For that reason, it seems to me that obligations of respect are good examples of the sorts of obligations that utilitarian considerations can't satisfactorily accommodate – and that is why it seems that resting the whole moral story on such considerations misses at least *something* that is morally important. In the case of humans then, it seems that we recognize something other than pleasure/pain as being morally important[91], and the attitude of respect shows us this. And so in this case, it seems that the Kantian has a better account then the utilitarian -- she identifies the source of our obligations (in the case of human beings) much better than the utilitarian, even if the utilitarian is better able to give a good account of the strength of our obligations to non-human animals. But if

[90] Chapters One, Two, and Three.

[91] I recognize that this is not an uncontroversial claim, and that argument is needed for it. I have tried to argue for it elsewhere, and so restate it here without argument.

this "other thing" that is morally important is what Kant identifies, then we no longer have a good account of our obligations to non-human animals. What it seems we need is an account that combines the virtues of both accounts -- we need an account of the source of our obligations that captures what we consider to be morally important about human beings, but that doesn't leave non-human animals out of the moral sphere.

This account, as we discussed before, can't be the utilitarian account. It is true that if our obligations to non-human animals are going to be akin to our obligations to human beings (that is, if they are to be non-derivative), the source of the obligations needs to be the same for non-human animals as it is for human beings. At the very least, it must be commensurate, so that the obligations are of the same type and one is not derivative on the other. If there is a difference in the obligations it should be a difference in the specific content of the obligations, perhaps predicated on differences between the two kinds of creatures. But even though the utilitarian account offers us this common source of obligation, it does so at the cost of misidentifying that source.[92]

I think that the Kantian account also misidentifies the specific source of our obligations, but it seems that the Kantian is much closer to getting at the sort of thing that *can* be the source of our obligations. However, the problem of our obligations to non-human animals is recalcitrant in the Kantian account -- so we need an account that preserves the character of the Kantian account while broadening the scope of its application. For it seems that the problem of the obligations to non-human animals is one reason to think that the source of the obligations to humans is not what Kant thinks it is.

[92]I also believe that this sort of account weakens the obligations too much both by (1) weighing human pleasures more heavily, and (2) grounding our obligations in something that can't generate certain important kinds of obligations. I will discuss this later when I talk about what I believe the source of the obligations to actually be.

And if it's not, if non-human animals share what human beings have that makes them morally "off limits" in the way that respect recognizes, then it will indeed be a serious matter if we try to exclude non-human animals from obligations of respect.

What's more, it seems that the traditional Kantian account of respect, although getting closer to the sorts of considerations that we take to be important for the moral obligations we have towards human beings, is also not quite right. Independently from considerations about non-human animals, it seems that the Kantian account misses the mark about what is morally important about human beings. I will argue that what is really at the bottom of our obligations to human beings, although related to the rationality Kant identifies, is more inclusive and basic. And it is something that non-human animals also share.

Section 7: A Better Identification of the Source of Obligations of Respect

One of the major insights in Kantian ethics is the idea that respecting autonomy is a basic moral obligation. In Kantian ethics, the value that respect recognizes is a specific sort of rationality – that is, rational nature that autonomously legislates moral law. Respecting rational nature involves behaving in ways that recognize that value, and the ways that recognize that value are, of course, connected to what that value is. In the case of Kantian rationality, the idea is that rational nature needs to be respected as something that is an end in itself – it needs to be treated as the end that it is, and not ever as a mere means. This is a complicated idea, and there are many subtleties that I will not discuss here – however, this idea of rational nature as an autonomous moral legislator that needs

to be respected as an end gives us a basic idea of what it is about rational nature that places limits on our attitudes and behavior.

According to Kant's analysis[93], respecting rational nature as an end in itself involves at least two basic requirements. These include: (1) Respecting the ends that others set, as well as setting and promoting those ends for oneself (as far as possible); and (2) Only setting ends for oneself that could be held as ends by the other rational beings involved.

According to the first requirement, respecting rational nature involves taking the fact that something is an end for someone else as a reason for you (at the very least) to not interfere in their achievement of that end, and (at the most) to help them achieve that end. If someone has willed a certain (good) end for herself, treating her rational nature as an end in itself means taking that fact as a reason to help her (or at least not inhibit her) in achieving that end. Having that commitment to other people's (good) ends, then, is what is meant by treating their ends as my own, and setting them for myself and promoting them as much as possible.

The first requirement, then, is primarily concerned with the attitudes and behavior that we exhibit towards the end that others set. The second requirement, on the other hand, is primarily concerned with the ends that we set for ourselves. According to the second requirement, respecting other people as ends in themselves means only setting ends that the other people involved would set for themselves – that is, we shouldn't set ends that involve other people in our actions in ways that they would not will for themselves. The general Kantian idea that we should not use other people as mere means, but only as ends in themselves, gets its fullest expression in this requirement,

[93]See Chapter Three.

because here we see that treating others as ends in themselves in part *just means* not treating them as mere means. That is, part of seeing and treating rational nature as an end in itself is not treating it as something you can manipulate in any way you wish when setting your ends. Seeing rational nature as an end means seeing it as the sort of thing that can't be used merely instrumentally; and this gets expressed in the idea that when we set our ends, we shouldn't involve other people in the achievement of those ends in ways they would not will for themselves (that is, in ways that are fundamentally opposed to what they could or would will for themselves). A paradigm case of this is using another person as a mere instrument in the achievement of our ends (for example, using another person as a human shield).

With these requirements, a clear idea of the importance of autonomy emerges. The common theme in these two requirements is that what other people will, or would will, for themselves is important in figuring out the ways in which they can, and must, be treated and viewed by others. As regards the first requirement, what respecting rational nature involves is seeing the things that others *do* autonomously will for themselves as being important in setting requirements on what I myself can will. For example, if my partner wills that she get her work done by the end of the day, then part of what it means to respect her rational nature is that I not inhibit her in the achievement of that end. It also means setting that end as an end for me as well, and promoting it in my own activities (as far as possible). Again, respecting her involves respecting her ends, so I should not get in the way of her getting her work done, and should see the importance she puts on getting her work done as giving me reason to set this as an end for myself, too, and to promote the achievement of it as much as possible. For example, I should not chat

incessantly to her while she's trying to work, or try to pick a fight with her when she's in the middle of formulating a complicated argument. Doing these things would fail to respect her end, because it would mean not taking that end seriously enough to not get in the way of her achievement of it.

In addition, since this is a good and important end for her, I should also see it as an end for me too. Her getting her work done is not just important to her, it should be important to me, too. Since her end gives her good reasons to do certain things (e.g., turn off the TV and put away the video games), it also gives *me* reasons to do certain things. For example, it gives me good reason to offer to cook dinner, or to make her coffee so that she doesn't have to stop to do it herself. Of course, there are limits on how far I must make her ends my own (and on how much this requires me to do), but the idea is that the fact that this is an end for her at least gives me some reasons to do some things. That is, respecting her ends also means helping her to do what she wills to do[94].

What does this have to do with autonomy? The idea in the background here is that my partner is a rational being who has the power to structure her life in certain ways that are important to her – she is autonomous. Because this is a big part of what it means to be a rational creature with the ability to set rational ends, respecting her rational nature largely involves seeing this autonomy as worthy of regard (this, then, is an example of how the nature of the value that respect recognizes dictates certain sorts of behaviors and attitudes). That is, I must see her autonomy (an integral part of her rational nature) as

[94]Of course, how much one is required to do to help people achieve their ends (that is, how far I must make their ends my own) will vary according to many different factors. For example, that a woman in China has certain ends will give me some reasons to do certain general things (i.e., not engage in practices that severely impoverish other nations, give to certain charities), but I will not have a reason to make her coffee while she works. This has partly to do with the fact that what I can do to help her achieve her ends is very different from what I can do to help my partner. It also has to do, for Kant, with the fact that the duties that arise from having a reason to help others achieve their ends are not strict duties.

setting requirements on how I must view the ends that she sets, and how I must view her efforts to achieve them. I need to see her ends and her efforts to achieve them as things that legitimately limit the things I do, because these are important parts of her rational nature, and I must not unnecessarily impede or obstruct them. This then, is the way that the first requirement connects with autonomy – it articulates the fact that what other people choose to do with their lives is something I should not unnecessarily interfere with, because failing to do so is failing to respect the worth of their rational nature (which is largely seen as the autonomous capacity to set ends).

The way in which the second requirement connects with autonomy is similar to the first. The second requirement states that I should not set ends for myself that involve others in ways that they would not themselves will (that they would not autonomously choose for themselves). If I fail to meet this requirement, I must override other peoples' autonomous choices in order to will (and achieve) the ends that I myself set. Thus, respecting the rational nature of others means, in part, respecting the choices that they would freely make. If what I intend to do seems to involve others in ways they would not choose to be involved, then I fail to respect what they would autonomously will in the situation. For example, if I intend to take someone hostage in order to exhort money from their loved ones, I am choosing to use them in achieving my ends (getting rich) in a way they would not will for themselves. That means that I see their ability to structure their own lives according to their own choices as irrelevant (or at least not of great importance) to what I can do. I am not respecting their rational nature (which is largely the ability to make autonomous choices) as limiting what I can choose to do. But this is

wrong, because what others *would* choose to do is relevant to how I can choose to involve them in the things that I choose to do.

One very important idea, then, is the idea that other peoples' autonomous choices are not irrelevant to mine, and must be respected in the choices that I make. Part of the reason this is intuitively appealing is that we see other people as having definite plans for, and ideas about, how their lives should go, and the intuition is that we should not unnecessarily get in the way of these plans and ideas. Not allowing other people to make autonomous choices means not paying proper regard to what is valuable in their ability to live their lives in this way – they are rational creatures that direct their lives in certain ways, and there is value in this that should be respected.[95] Not respecting their autonomy in the ways discussed means not respecting what is integral to them as rational creatures.

If we take a step back from the Kantian commitment to a very sophisticated form of rationality (i.e., the ability to autonomously legislate moral law), and look instead at the general idea expressed in the requirement to respect autonomy, an answer to the puzzle of this chapter begins to emerge. What has been deemed of utmost importance is that we properly regard the autonomous decision-making (and life-structuring) abilities of rational creatures. But is the sophisticated form of Kantian rationality required to generate this sort of requirement?[96] It seems not – for don't non-human animals do precisely what human beings do in this regard, even if it is on a very basic level? It seems that non-human animals also have a way that they wish to structure their lives

[95]In the latter half of this chapter, I will discuss this further. The Kantian claim that the ability to legislate moral law is what is unconditionally valuable is complicated and will be given a closer look in the last section.

[96]Again, Kant's argument for this will be given closer treatment later – for now, I am just trying to show that the general insights that this Kantian idea captures seem to extend beyond the bounds that Kantian value theory allows.

(they like to eat this or that food, they like to curl up in this or that chair, etc.), and this seems (at a low level) to be a matter of their choosing some things over others. The fact that they may not be able to give us reasons for their choices (or may in fact not really have clearly defined ones) does not matter to the fact that they do discriminate between the things they want to do, and the ones they don't. For example, it is very clear to me that I have frustrated some sort of end that my cat has when I don't let her sit on my lap while I am working. She wants to sit there, she initiates action to make that happen, and she is upset when I nudge her off my lap. Given these facts, I think that we can say that she has a certain low-level autonomy, and it seems (on the face of it), that there is no less reason to take her (equally weighty) autonomous choices seriously than to take my partner's seriously.

It is true that my partner's choices and those of my cat are disanalogous, but the disanalogy does *not* have to do with whether they are *autonomous* choices, but has to do with the complexity and weight of those choices. My cat is not going to care all that much, or for that long, that I nudge her off my lap, while my partner will care very much and for very long if I get in the way of her work. But my partner *does* make choices that are very like my cat's sometimes (she likes to sit on the comfy sofa, and not the one with the broken arm), and these, like my cat's, are no less autonomous for their simplicity.

The point I am trying to make will become clearer if we consider weightier ends that my cat might have – for example, continuing to live free of great pain. Torturing and killing my cat is at least in part wrong because my cat doesn't want to be in excruciating pain and die – and this is not because pain is bad (even though it is), but because all of the things she does in her life indicate to me that she has preferences for not being in pain

and for continuing to live. This is what she seems to seek and to try to accomplish in her life, and frustrating these ends of hers seems to be wrong in a way that is analogous to the reason it is wrong to do the same thing to a human being. I am failing to see the ends she sets for herself (where her preferences are loosely defined as ends) as giving me any reason to limit my actions involving her. The cases are analogous, and it seems that autonomy considerations, when divorced from the more rigorous conception of rational autonomy that Kant endorses, captures intuitions we have about why it might be wrong to perform actions involving my cat. And it captures these intuitions in a way that is analogous to the way those intuitions get captured in the human case.[97]

This expanded notion of autonomy gives us the beginning of a new account of the value that respect recognizes – since respect is so closely tied to autonomy, if we understand autonomy in the liberal way I have described, we get a more liberal account of the scope of respect. If autonomy considerations are not only present when people are involved, but when other animals are involved, then the scope of respect widens too. And this expansion also points to a different underlying value for us to recognize through the attitude of respect – it was assumed that autonomy was a consideration when those who were capable of it (i.e., those who had a specific kind of rationality) were involved. With our expanded idea of autonomy, the same holds true – it is a consideration when those who are capable of it are involved. But this no longer includes only those who have Kantian rationality – it now includes other sorts of creatures. And where Kant thought a certain kind of rationality was requisite for autonomy, I posit that something different is

[97]Of course, many Kantians (and non-Kantians as well) will argue that what I have described in the case of my cat is not really *autonomy*, but some sort of basic preference or desire structure. It may be argued that calling this autonomy is stretching the notion too far, or even question-begging. What I am merely trying to illustrate at this point is that the sorts of considerations about how we are to treat human beings are not completely absent in non-human beings, no matter what we choose to call these considerations.

requisite, which thus replaces Kantian rationality as the value that respect recognizes. I will identify this "something different" with a phrase I borrowed from Tom Regan – "being the subject of a life". For it seems that the bare minimum required for our expanded notion of autonomy is this quality – being a subject in the world, being a creature that has a point of view in the world and directs itself in the world from that subjective point of view.

Section 8: A Different Way of Approaching the Question

I think a more promising way to approach the question of which creatures have the sort of value that respect recognizes is to re-examine what we consider to be significant about valuing activity. We clearly do consider this to be significant, but why would it be important? I suggest that it is not important for establishing that something has to be of ultimate value if such an activity is the source of value in the world (the "Valued Ends" view), or that such activity sets oneself as an end, and so one is required to see all who do the same as having the same status as oneself (Martin's "Autonomy" view). Rather, we see valuing as an activity that we think is part of a morally significant way of experiencing the world. It is here that utilitarians get something a little bit right – respect is not a matter of marking out rational capacities as worthy of protection because they are uniquely valuable, or because we are committed to seeing them as such. The idea is that as a valuer, one has a way of "being in the world" that is worthy of consideration.

Think about the way we view human beings to whom we owe respect – what seems to lie at the heart of this obligation is not that another person is (or takes herself to

be) an ultimate end. It seems that what calls out to be respected here is that this other person's ends are important to her, and (in the case of important ends) constitutive of her well-being[98]. That is, what her act of valuing these ends says about her value or the value that she places on herself doesn't seem as important in the attitude we take as the mere fact that she *does* value these things (and that her valuing them in certain ways indicates that they are matter to her). And it seems that if we don't need to get in the way of the promotion and achievement of the things that matter to her, we shouldn't. That is, it is a lack of respect to think that no matter what another person may want, no matter what is important to her, what I desire is ultimately the only thing that deserves my consideration. And this is not, intuitively, a matter of consistency based on how I treat myself – respect is, intuitively, a response to the fact that someone else's point of view deserves consideration simply because such things deserve our regard, and not because we so regard them in ourselves. I wish to argue that it is this loose sense of valuing one's ends (that what one intends to do, wishes to do, "needs" to do, is of importance to one) that is ultimately what seems important for respect. This is a way of "being in the world", that is, a way of existing, that is basically "being a subject". That is, a particular being values certain things as *its ends*, ends that are connected to its particular well-being and preservation, and so are cherished as *its ends*. And it is this way of being in the world that, in a sense, "demands" a certain sort of honoring response from others. It is not the act of valuing that has value, or that makes one necessarily seen as an end; merely being a subject is a quality of experience that demands a response from others and is seen as valuable.

[98]This harks back to Section 6 of this chapter.

The interpretations presented must ground respect in a particular way. From the assertion that value is valuer-dependent, the Kantian analysis must explain our obligations in the only way possible if we ourselves are the determiners of value. That is, they must explain this obligation as arising in some way from the fact that value comes into the world through rational end-setting. Indeed, the story must be that we are required to make certain moral judgments based on the fact that our status as universal legislators of value put us in a particular position with respect to others who do the same. The fact that we are sources of value sets the structure for how one can answer the question, "How is morality possible"? And the intuition that we are ends-in-ourselves (things not to be treated merely as means) gets cashed out in the notion that we are ends because we are, in some way, the start-and-end point for the existence of value at all.

But if we do not suppose value to be like this, then we can approach the question from a different angle. From the intuition that all people deserve basic respect, and from the intuition that this is in some way connected to the fact that things are important to them (that they set ends that they deem valuable), we can ask why that fact should be important at all. One obvious answer is that having this sort of experience in the world (that things are important to you) makes your experiences morally considerable. The quality of being a subject means that things matter to you, and as such, there is something about this quality that makes you the sort of thing that has a claim to be "left alone".

A connection with autonomy comes in at this point – it seems that what we recognize in others as constraining us is not so much that their ability to endorse ends gives rise to value-claims as valid as ours, and so their ends must be respected, but that the importance (reflective or not) that they place on their self-directed experience of the

world is as valid as mine. That is, I take my point of view seriously for lots of different reasons – it is *mine*, it is through this point of view that my own flourishing and welfare is experienced and best promoted, and it is the very basic condition of my caring about anything at all (to take a few of these reasons). And so it seems that autonomy is important, quite basically, because it is an expression of an experience of the world that we take seriously, or value, in ourselves (but, again, this is instructive not because for consistency's sake we must then take it seriously in others – rather, the seriousness with which we take it in ourselves points to its importance and significance). What's more, this experience of the world exists whether a full-blown Kantian autonomy is expressed through it or not.

If I am right, then autonomy is not really the basic value that we respond to in other people. It is connected to the basic value, for it is a sophisticated expression and development of that basic value. But a very basic kind of subjective experience is what undergirds Kantian-style autonomy, and it is this that renders that autonomy important. We can see that this is what we basically respect in ourselves if we examine how we feel about non-human animals, babies, the mentally infirm, etc. Why do their plights pull at our heartstrings, even when they lack what is supposed to be the value we recognize? It is because they have what we deem so basically important in ourselves – a point of view. Even if they do not consciously plan and reflectively endorse the course they take, they do take a course – they see the world from a particular perspective, and according to that perspective they do one thing rather than another. And they do one thing rather than another not randomly, but because one course is preferred. And it is preferred because of particular features of the point of view.

For example, a cat wanders through the house until it finds the sunlit square of carpet for her nap, because the cat likes the warm square of carpet and would prefer it to a cold square if one is available. Or, to take another example, a very small child crawls towards its mother and away from the "scary" stranger, because she likes what is familiar and deems it safe. It would seem sad to force her to sit by the stranger when she attempts to crawl away, because from her point of view this is not desirable, and her actions make that clear. When one's active and free engagement in experiencing the world from this point of view – one's planning, desiring, preferring – seems to be compromised for what seems to be no good reason (one shoots a bird that is singing outside the bedroom window too early on a Saturday morning) we think it unfair. The basic notion that underlies this feeling is, "Why interfere with their conducting their lives, if I don't need to?[99]" And here, it looks as if a robust, reflective, self-conscious autonomy is not necessary to be a candidate for this kind of concern. Rather, what is necessary is that there is an experience of the world that is yours, and that experience (whether you are conscious of it or not) has as much of a claim to continue unfettered as mine does. We can say that the capacity to experience the world as a subject for whom there is a unique point of view is the valuable feature that gives one the status (as a thing of value) that respect recognizes, because having this unique point of view is the basic condition of being a morally considerable being. And why need the possession of this point of view

[99]Of course, there may be times when interfering is necessary for well-being (when the stranger is the doctor and the baby has a severe infection, whether she likes the doctor or not, it is important for her to sit by him). But it is important to note that in such cases an appeal to the necessity of this sort of forcing is requisite – we need to give an explanation for why such force is warranted. And the fact that the baby has to be forced will seem regrettable in itself, even if there are good things that come from it. That it is necessary for her well-being does not obliterate the remorse at having to frustrate her strong preferences.

be explicitly valued by the creature who has it, if the mere possession of it is what we mark out as important?

Put another way, one can understand the Kantian view as one according to which autonomy is important because its existence is the condition under which morality is possible and rational beings are the sources of value. The view I am proposing is that autonomy, although something we recognize as being very important, is important because it is the expression of something deeper, and the existence of this something deeper is itself the condition under which any creature lays a claim on us. And so respect, as an attitude that recognizes the status of certain creatures with a particular kind of value, is directed at those with this quality (or who are of a kind that has it). It is directed at those that are subjects of lives (or are of a kind that normally is), because having this basic quality is what generates the kind of moral regard involved in our attitude of respect.

This, of course, is very far from Kantian ideas about autonomy, rational agency, and ends-in-themselves. So it is inaccurate to think of this as a refinement of Kantian ideas[100]. The point I am trying to make is that the appeal of a Kantian view rests in its recognition that there is something in human beings that makes them worthy of a very

[100]In her recent paper, "Fellow Creatures: Kantian Ethics and our Duties to Animals" (in *The Tanner Lectures on Human Values*, edited by Grethe B. Peterson. Salt Lake City: The University of Utah Press, Volume 25/26 (2004)], Christine Korsgaard argues that we, as rational beings, legislate not only that rational nature is an end-in-itself, but that *animal nature* is an end-in-itself. Korsgaard argues that because of this, we have duties to those with animal natures, human or not. Interestingly, her idea of animal nature is in many ways similar to what I identify as "being the subject of a life". But her view arises from the idea that what qualifies as an end-in-itself is *whatever rational beings legislate as being an end-in-itself.* Although I appreciate the point that what we take as significant in our experience is shared by non-human animals, the idea that we legislate it as significant *because* we value it in ourselves is still one I wish to avoid. For the reason that we legislate it as an end-in-itself will have to do with morally salient facts about that experience. There is going to be difficulty then, on a Kantian view, with exsplaining why we should take these facts as morally salient; and even if one can make a case for this, it will still be true that it is human legislation that deems these experiences morally considerable, and their value will rest in the fact that we value them.

distinctive sort of regard. And so long as we consider fully rational adult human beings, the Kantian view accords with our sense of what it is about other people that constrains us. But, as we have seen, once we start to consider less than fully rational human beings and non-human animals, the ground for these obligations disappears. My claim, however, is that these problem cases are instructive not only as cases that need to be accommodated by the view in some way, but also as indicators that perhaps the Kantian view misidentifies the constraint-generating reasons in the first place. That is, perhaps the success of the Kantian view with regard to adult humans is an accidental success. The feature that Kantians identify as grounding the obligation to respect adult human beings (rationality) is merely a developed expression of the more basic feature that grounds the obligation. It is not, then, this robust rational autonomy, but the subjectivity that underlies it, that demands our respect. The subjectivity is not just a necessary condition of what Kant identifies as important, it is sufficient to ground the obligation without the high-level rational agency Kant identifies. What we are remarking in ourselves as worthy of regard is the basic subjectivity that underlies the more sophisticated expression of it in rational thought. And this is shown by our sense that there are ways we should not treat those that don't have sophisticated rational thought.

This then, draws on both Kantian and utilitarian intuitions. Similar to a preference-utilitarian view of morality, I am identifying what makes a creature morally considerable as the capacity for having and acting according to preferences (as well as the capacity to feel pleasure and pain). Although this is similar in many ways to preference-utilitarianism, my claim is not that creatures who can develop preferences are morally considerable because this capacity makes them "containers" of the value of the

experiences to which this gives rise. Rather, the idea is that those who can develop preferences are morally considerable because this capacity gives them a fundamental value. What is important and morally considerable in ourselves is that we experience the world from the point of view of a life-to-be-lived, and respect is recognition that we should give regard to the fact that others experience the world in this way.

Respect, as analyzed in previous chapters, is an attitude towards creatures that have a particular status, derived from the value that having a certain valuable feature (or being of a kind that normally has such a feature) affords them. In this Section, I have been trying to show that when we examine this attitude, it turns out to be, at bottom, the attitude that we should let things navigate the world the way they've deemed best for them. This means that the attitude is directed to those who can do this. Respect is recognizing that the creature that does this is something to be regarded as valuable, because this is the condition under which things are morally considerable.

So, then, *which* creatures does this view mark out as objects of respect? It marks out those creatures that are "subjects of lives". But what does this mean? This will be clearer when we look closer at what it means to "have a point of view".

Section 9: Who, Then, Is Owed Respect?

What I mean by "having a point of view" is that one experiences the world as a subject. This involves being sentient, but it is not merely being sentient, because it involves being sentient in such a way that implies a very basic agency. One has sensory awareness, but in a way that makes one intend and execute actions and plans to continue along in life. However, these need not be long-term plans, nor need they be plans that

involve a sense of oneself as continuing through time. Infants, mice, and (perhaps even) my cat may not conceive of themselves as beings with a future for which they should plan or towards which they should move. However, an infant does want and desire certain things from her point of view as an experiencing subject (she wishes to eat now), and acts in order to accomplish these things. That is, one's sensory awareness gives rise to very basic planning and desiring, planning and desiring that are directly related to facts about the point of view from which the desiring/planning creature is living its life (although this "planning" may be nothing more than immediate means-end reasoning).

To illustrate this further, consider the fact that I have sensory awareness, and my sentience, so understood, occurs in me as a subject. But sentience, although part of my particular point of view, is not itself the point of view (for perhaps one could have a point of view without sentience – a classic example would be that God has perception, thought and will without sense or feeling). Rather, my sentience is part of what gives rise to various intentions I have about how my life is to go, and it is this experience-with-a-direction that is my point of view. This is all very hard to describe accurately, but there is an intuition about what makes me a morally considerable thing that should emerge here. I want things for my life, things that, from my point of view (from the perspective of my life lived for me) make it go better or worse, or that are more or less features of the life I desire to lead. And it is not a coincidence, I think, that the fact that one experiences one's life like this makes one the sort of creature that can protest its treatment (as being better/worse for it, or against its inclinations).

If we think of classic examples of disrespect, this account accords with our intuitions that these things are wrong. For example, it seems disrespectful to lie to

another person so that you can use them in some plan that they would not assent to if they knew the truth. Let's say you lie to your partner about cheating because if she knew the truth you could not continue in your plan to have an affair while maintaining your relationship with her. Since she would not want to be involved in such a situation (as a person directing her own life, this is not a way she wants her life to go) you have to lie to her to involve her in this plan. This, it seems, is wrong not simply because you are circumventing her autonomy or hindering her rational agency, but because you are aware of how she wishes her life to go, and want it to go another way (unbeknownst to her) to fit your needs. This, it seems, is disrespectful at a very basic level because you are not giving proper regard to the fact that there is a way she wants her life to go. Instead, you are disregarding her point of view (which should be taken into consideration) because it will ruin your plans to consider it. You are willing to prevent her life from going the way she wants it to in order to do what you wish to do without hindrance.

This is also why it seems that justification must be given if one frustrates a strong preference, or intention (as in the case of the baby at the doctor). If one is going to intervene and oppose another's preferences about how she as a subject gets to navigate the world, it has to be that there is some overriding good that this accomplishes. And this overriding good must be reasonably seen as in line with what she actually desires for herself (if she cannot see it), or in line with her well-being in ways that don't fundamentally conflict with her point of view, even if at first it seems as if they do. Here, the Kantian emphasis on appealing to one's rationality rather than circumventing it becomes salient – if it is possible to reason with someone to change her opposition to the

proposed action, rather than force her to do it, that is preferable because doing so will succeed in reshaping her intentions rather than thwarting them.

So it seems that what is basically important about us such that we think respect is owed to us is that we have a way we want things to go. A condition of this is that we have a point of view, where this is understood as the experience of living your life from a particular perspective – that it is lived according to your preferences, that it is your life and is directed so as to be the life that is best for you. This is the thing about us that gives us value – this is the feature of us that makes us the kinds of creatures that must be respected. It is here also that the "suffusion" metaphor becomes more apt – in the case of being-the-subject-of-a-life, this "feature" makes one the kind of creature that experiences its life as to-be-lived according to certain desires, plans, and preferences (no matter how *consciously* one experiences it this way). And so the fact that one is such a subject means that one is the kind of creature that leads a life that is of value to it (on whatever low level we understand this valuing). And so the value of being one who is a subject is the kind of value that imbues the subject itself (the seat of the valuable subjective experience) with the value that that implies. It is this value that respect recognizes; it is this value that gives one the kind of moral status that can't be lost, no matter what happens to one. If one is not the kind of thing that is the "subject of a life", one is jut not the kind of thing that has the status that respect recognizes.

I am not entirely sure what kind of value this is, and so I do not wish to argue that there is some kind of objective value in creatures of this kind. Rather, I am arguing that respect is the sort of thing that recognizes certain things as valuable in the way that things that are subjects of lives can be seen as being valuable. Whether or not there is

(metaphysically robust) value that inheres in such things, if respect is the sort of attitude that is an appropriate response to value, what this means is that it is the response that sees certain kinds of creatures as having experiences and ways of living that are not to be interfered with if at all possible. And the feature that makes something this kind of creature is that one is the "subject of a life."

Chapter Six

Conclusion

In this chapter, I will conclude the dissertation by first summarizing its main arguments. I will then address some worries about these arguments, and conclude with some remarks about the scope of this account. Specifically, I will argue that my analysis of respect does not apply to respect for art, the environment, etc., because these sorts of attitude are not morally grounded in the same way as respect for creatures is. Some other analysis is needed for these attitudes.

Section 1: Summary of Main Arguments

In this dissertation, I have identified and attempted to solve a problem that is inherent in any account of respect. In order to explain why a creature is owed respect, one must indicate something about the creature that generates this obligation. As a result, our grounding of the obligation of respect will focus on features of creatures rather than the creatures themselves. But if the presence of a feature is what generates our obligations, there is a puzzle concerning how respect can properly be an attitude towards creatures and not towards their relevant features.

This problem is particularly vivid in the case of Kantian accounts of respect, and so I have focused discussion mainly on them. In order to get clear on how and why this

particular problem arises on such accounts, I presented two contemporary Kant-inspired analyses of respect to illustrate why the problem gets generated.

In Chapter Two, I argued that Stephen Darwall's and Joseh Raz's views of respect generate a particular problem (not the one identified above, but a different one, the solution of which leads to the problem in question), and that their solutions to it go to one of two extremes. The problem is that on both accounts, it is not clear how we are to distinguish cases of "morally required respect" (what one might call basic respect for persons, the sort of respect that makes certain attitudes and behaviors morally required) from cases of respect that seem less morally charged.

For Stephen Darwall, this problem arises because his account of recognition respect reduces it to "weighing salient facts appropriately in one's deliberations", and thus respect is good practical deliberation that, in some cases (i.e., in the case of persons) is morally required, but that can sometimes be merely prudentially advisable[101]. On such a view, either there are no cases of good practical deliberation that don't turn out to involve respect, or there is some distinguishing factor that makes a difference. Darwall goes the latter way, and so the important question is "What makes those cases of good practical deliberation morally required, and others not"? His answer will of course be the Kantian one.

For Joseph Raz, the problem arises because his account of respect is that it is an "appropriate response to value". This will raise a problem similar to Darwall's, because some responses to value (how we respond to the value of a good book, for example) don't seem as morally significant as others (how we respond to the value of people, or as

[101]This account of recognition respect also clearly raises a version of the central problem of the dissertation – the object of respect, on his account, turns out to be salient facts about particular objects, not the objects themselves.

Raz puts it, "the value of valuers"). Raz's view is Kantian, too, but in a different direction. His solution to the problem seems to be that all cases of "appropriately responding to value" are morally significant cases of respect, but that these fall on a spectrum, where our response to books would be at the lower end, and our response to people at the higher end (because of facts about people and their psychic tendency to suffer when disrespected). So, in contrast to Darwall, who seems to want to make a morally required/not morally required divide, Raz seems to advocate a spectrum view.

This highlights what seems to be the most pressing problem for an account of the attitude of respect – how are we to figure out the morally relevant cases, if we wish to have an analysis that includes all the various uses we make of the term (respecting a work of art, the power of a tornado, and you as a person)?

Immanuel Kant, of course, has an argument for narrowing down the cases (that what is morally important is the idea of "respect for persons", and this is owed to those who are autonomous moral legislators). I discuss this in Chapter 3. The problem that arises with Kant's account, however, is the problem that will be central to the positive view of the dissertation. On Kant's view, what restricts the cases is that there is a particular kind of value that comes from the ability to autonomously legislate moral law, and this value gives persons dignity worthy of respect. If we take Kant's view, then, the ground and focus of respect seems to be a feature that creatures have (namely, the ability to autonomously legislate moral law), and not the creatures themselves. From this general feature of the view, three problems arise, and it is these three problems that I attempt to solve in Chapters Four and Five. **(1)** It looks like (given some things Kant says) the **proper object** of respect is the value-conferring feature, and not the creature

itself (this is also true on Darwall's account) **(2)** Even if we can give some story for why the creature itself is the object of respect, it will still be the case that respect is owed because of some value-conferring feature, and respect is owed only so long as the feature remains (raising problems for cases such as coma patients), and **(3)** even on its most generous interpretation (i.e., on one that attempts to include the cases just mentioned) the account leaves out those who have never, and will never have the relevant features as objects of respect (for example, human beings born with severe birth defects and nonhuman animals). Because the attitude of respect does basic and important moral work (setting some creatures apart as having important "barriers of moral protection" set up around them), this is troubling.

In Chapter Four, I offer a way to alter the Kantian analysis that will solve problems **(1)** and **(2)**. In doing so, I assume that the feature important for respect is the one Kant identifies (the ability to autonomously legislate moral law), and develop a way to solve the two problems mentioned while retaining that feature of Kant's view. (In Chapter Five, I argue that the feature is misidentified on Kant's view, but it is a result of my arguments in Chapter Four that even if we assume that his identification is correct, we can give an account of respect that identifies creatures as the proper objects of respect, and that extends the obligation to those who have lost the relevant feature, or lack it because of defect.) According to this part of my positive account, respect is owed to creatures that have been "suffused" with the value of Kantian rationality, and that being "suffused" in this way gives one an irrevocable *status*. It puts you in a certain class, one that you cannot fall out of even if you lose the feature that put you in that class. This will solve the problem of people who have lost their mental capacities. They had a certain

status (as respect-worthy), and cannot lose it even if they lose the feature that gave them the value that generated the status.

This still leaves the problem of those who never had the feature to begin with, and so haven't been "suffused" by its value (or received status because of it). I argue that creatures like this (babies born with severe mental defect, for example) have the same status (i.e., must be shown respect) because they are of a *kind* that normally possesses the feature that gives that status. I argue that, given the way the attitude of respect is supposed to function (as a way of setting some sorts of creatures aside as morally set apart), all creatures of a kind that normally has the feature must be treated with respect. To not do so is to not develop the correct attitude. Any creature who is of a kind that normally has the value-conferring feature must be respected, because restricting the class to only those who have the feature will result in the wrong attitude towards the creatures to whom we owe respect. Thus, the attitude must be one towards all of that kind. Of course, if one is not of a kind that normally has the feature, but in fact has it, one is also owed respect, but this second stage of the argument is meant to show that respect is not owed only in such cases.

The analysis presented in Chapter 4 assumes Kantian value theory, but I argue in Chapter Five that it should be abandoned as the one that structures our analysis of respect. I argue this from two angles: (1) identifying Kantian rationality as the feature important for respect gets wrong what it seems our attitude of respect recognizes and (2) Kantian arguments for this value theory are not satisfying.

Ultimately, I argue that the feature that is important for respect is "being the subject of a life" (Tom Regan's phrase) – that is, having a point of view from which one

directs one's life, (taking the idea of "directing" one's life very loosely as acting on desires, preferences, etc.) and according to which life can be going better or worse. I argue that anything with this point of view has a basic sort of autonomy, and that this basic sort of autonomy is precisely the thing that our attitude of respect is recognizing as limiting our actions regarding the creatures that have it. I argue that identifying this feature as the important one for respect (on the formal analysis that I have presented) does a better job than the Kantian analysis of explaining the attitude of respect when it involves persons, as well as also more satisfactorily explaining (as Kantian accounts notoriously cannot) the wrongness of certain actions/attitudes directed towards nonhuman animals. Utilitarian accounts seem unable to fully explain the wrongness of certain actions involving nonhuman animals, because concern not to cause animals pain does not capture why certain actions involving them are wrong. For example, hurling permanently unconscious chickens at the wall for sport seems wrong, even though the chickens cannot feel pain. Or, to take another example, engineering chickens so that they cannot feel pain at all (and so we can do whatever we wish to them without their suffering) seems morally suspicious, even though it results in chickens that feel no pain. My account of respect goes some way towards explaining why these things are wrong – as a lack of respect – in a non-consequentialist way, which is a more satisfying explanation.

Section 2: Answers to Some Worries

One worry that arises with this sort of account is concerns about what is meant by "kinds" in the positive account. That respect is owed to those creatures that are of a kind that normally has the relevant feature is important in my account, and one might worry

about what this means, and may worry (with various animal rights philosophers) that it makes a moral distinction where there is none.

I will address the second worry first. Many animal rights philosophers (e.g., Peter Singer, Jeff McMahan) have argued that restricting the moral community to human beings is speciesist and theoretically unwarranted, for whatever feature you identify as the one that makes members of the human species morally considerable (e.g., rationality), it may not be present in some human beings (brain-damaged infants), and may be present in other species (chimpanzees). So either the human beings who lack the feature are not morally considerable, and the non-humans who possess it are, or you are making a morally suspect division according to which species is morally relevant on its own (without reference to some feature of human beings that makes them morally considerable).

An echo of the main problem of this dissertation is clear here. Either you identify a feature that generates the obligation in question, thus leaving some creatures out who lack the feature because of loss or defect, or you have no explanation for why the obligation is owed. My analysis implies that, despite the legitimate worries about speciesism that philosophers have raised, species *can* be morally relevant. And it is not morally relevant simply on its own – it is relevant because of a particular value-conferring feature that normal species members have. But the moral relevance of this feature is not, and should not be seen as, being confined to generating obligations to those who possess it. I hope that my arguments in Chapter Five will assuage any worries about speciesism here (unless the explicit rejection of the idea that we owe respect to plants, or

anything that is not a subject of a life, is worrisome, which I think it is not[102]). Any account of respect will, at some point, have to draw a line to show where respect is no longer owed. The trick will be to get the right account, according to which none are excluded by the theoretical underpinnings that should properly be included. The account I have given marks species-membership as morally relevant in the spirit of inclusiveness, rather than exclusiveness (both in showing that many species matter, and that all members of any species that matter matters), and I think that this should dampen concern.

The first worry -- concerning what kinds are – is trickier. There is much debate about what we mean by kinds (particularly in metaphysics and philosophy of science). I cannot get too embroiled in the issue, but to clarify I simply want to state that what I mean by "kind" is a somewhat vague notion related to Aristotelian kinds, but (hopefully) divorced from the particular teleological commitments of such an account. Giving a full account of what I mean here goes beyond the scope of this dissertation, but it is a question that needs more attention. For my purposes, however, a vague Aristotelian notion should suffice to give the "kinds" notion invoked here some feet. The critical point is that there is a way we carve up the world, and that way gives us a rough idea of kinds in nature (probably grounded on a way that the world *is* carved up). It is this rough idea of kinds that arises from how we see the world that is important to my view.

One other worry that may arise is concern over what my account means for obligations to the dead. For if "being the subject of a life" gives one an irrevocable status, according to which respect is owed even if one loses this feature, it seems that this obligation survives death. For what would losing this feature amount to, if not death? One could lose this feature, and still be physically alive, but it would seem unwarranted

[102]More on this later in the chapter.

to insist that one is still an object of respect if one loses this feature, but only so long as one's body is alive. For why should that matter? If one were to say, "If the body is not alive, there is no person there to respect", it seems that the very same could be said in the case where subjectivity has vanished but the body is still alive. This is a thorny issue. However, I think that it is one sense right to say that the obligation continues after bodily death – in the sense that there are ways it is okay to treat dead bodies, and ways that are not. Of course, these ways are highly relative, for what matters is not what is done, but the attitude with which it is done. For example, in some cultures burying the dead is blasphemy, and in others it the only proper thing to do. What matters, though, is the attitude with which bodies are dealt with after death – where burying is culturally supported, one displays the correct attitude towards the dead by burying them, and vice versa.

Of course, an "honoring" attitude is not all that makes a difference here – what the deceased would have wanted done with her body will make a difference as to whether actions involving her body are permissible. Actions that go against these wishes are not okay, and ones that accord with them are. But here, again, the attitude is important. Fulfilling someone's wishes displays recognition that there were ways that they wanted their bodies treated after death, and ways that they didn't, and it displays a commitment to acting in accordance with those wishes as important. If, for example, a woman did not at all care what happened to her body after death (but had to say something about it in her will in order to get the paperwork going), and if I knew for certain that that was her attitude, then not going through with the arrangements in her will *might* not display a disrespectful attitude.

The upshot is that my account is largely silent on what behaviors are required where respect is owed. This is because I think that what behaviors are required is largely a function of context, and that facts about the creature in question and the actor herself are what really determine the facts here. So I think it not at all upsetting that on this account, there are some behaviors towards the dead that are respectful, and some not, because there are certain attitudes towards the dead that are appropriate, and some not, because the dead are creatures who, when alive, had the respect-generating feature. And so even after death they are objects of respect, just of a radically different behavioral kind, since what behavior is required is fixed by facts about the object.

Section 3: Some Remarks on the Scope of the Account

Finally, I wish to close with some remarks about the scope of this account. It is a result of my account that if one is not of a kind that normally is "the subject of a life", one is not owed respect. That is, great works of art, nature, and good books are just not the objects of respect on my account. It is true that we sometimes speak as if such things must be respected, but I think that a different notion of respect must be at play here (in Chapter One, we discussed several such uses of the term respect). Joseph Raz gives a nice account of how all these uses of the term tie together, but the moral spectrum that results from such an account causes problems (as explained in Chapter Two). In contrast with such an account, the one I have given applies *only* to certain kinds of creatures – I have analyzed "basic respect for persons" as "basic respect for subjects of lives", and I think that the analysis can only explain this very basic moral obligation as one towards creatures. When we speak of respect for art or nature, I think that a fundamentally

different account must be at play. For in those cases, even if we can say that we can have the wrong attitude to the value of such things, the *things themselves* as objects of improper attitudes is not what really concerns us. We are not worried that the incorrect attitude towards a good book in some way affects the book; and this is where the key difference comes in.

Interests of the book, or ways that the book might be affected, are not our concern when we identify disrespect towards it. Rather, it is the attitude itself, or perhaps what it says about the person who has it[103], or even concern for the harmful effect on something other than the book that such disrespect might have, that is troubling and of moral concern. And so it seems that the respect we have for such things requires a different analysis, since it is not *concern* for the object's being harmed or negatively affected that raises limitations on how we see it (even if it is facts about it that require us to see it in certain ways), but something else. A concern that there are interests of the *book's* that are affected by our disrespect cannot figure at all in the explanation of why such disrespect is bad, because books are not at all the *kinds* of things for which such concerns make sense. So, although I think that Raz is correct to argue that our various uses of the term "respect" are related (they are appropriate responses to value), I think it is incorrect to say that all these uses are analyzed the same way, falling on a moral spectrum, with respect for books being less pressing because books don't care about how they're treated. Rather, because books aren't the sorts of things that *can* care about how they're treated, sketching out the appropriate response to their value, and what sort of obligation this sort of respect amounts to, must be a fundamentally different enterprise. Such respect will

[103]For an account like this, see: Hill, Thomas E., Jr. "Ideals of Human Excellence and Preserving Natural Environments". *Environmental Ethics* 5 (1983): 211-224.

function differently as an attitude from respect for creatures, and it will give rise to different sorts of obligations, because respect for creatures is tied inextricably to the fact that creatures have interests (or, that their well-being can be affected by our actions). So respect for creatures and respect for inanimate objects are fundamentally different moral obligations, not the same obligation with different moral import.

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